

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVI**

Case: 4:15-cv-13191  
Judge: Berg, Terrence G.  
MJ: Whalen, R. Steven  
Filed: 09-09-2015 At 03:07 PM  
CMP. PILOT v. SYNDER ET AL. (SO)

**Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT  
as a Citizen in and of the United States  
In Propria persona, Sui Juris  
Plaintiff appearing by "Special-Visitation"  
"Special Appearance"**

**ORAL ARGUMENT  
REQUESTED**

v.

**RICK SNYDER/ a.k.a. Rick Snyder is being sued Personally- Capacity as a government officer as GOVERNOR OF THE STATE OF MICHIGAN/ Michigan state officer for actions taken under the color of state law, - - - INACTIONS Defendant, Bill Schutte a.k.a, BILL SCHUTTE, is being sued Personally-Capacity suit as a government officer as Attorney General for Michigan state, THE STATE OF MICHIGAN officer for actions taken under the color of state law - - - INACTIONS of Chief Prosecuting Attorney for Michigan/State of Michigan, Defendant, Defendants  
Separately - - - The fine points of law  
are treated singly and Together- - - Jointly**

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Jean Michael Pilot  
c/o 28730 Victor, Street  
Roseville, Michigan 48066  
(586) 322-7924  
Plaintiff

RICK SYNDER/ a.k.a. Rick Synder  
is being sued personally as an individual,  
as government officer acting under color  
state law as governor of the STATE OF  
MICHIGAN/Michigan state and has a  
regular place of business at the Romney  
Building 111 South Capital Avenue  
Lansing, Michigan state  
Defendant

Bill Schutte a.k.a, BILL SCHUTTE  
is being sued personally as an individual,  
as government officer acting under color  
of state law as the Attorney General for  
THE STATE OF MICHIGAN/Michigan  
state, 525 Ottawa, The Law Building  
Lansing, Michigan state  
Defendant

**CIVIL COMPLAINT PURSUANT TO TITLE 42 U.S.C. SECTION 1983  
AND JURY DEMAND UNDER THE SEVENTH AMENDMENT OF THE  
CONSTITUTION OF THE UNITED STATES AT COMMON-LAW**

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NOW COMES the Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States in propria personam and herein complains against the Defendants as follows;

1. Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris and herein incorporates the several arguments for relief for judicial economy. This includes case law and cases that reflect the courts prior decisions involving the principles of federal law and the Rights of this Citizen to sue in federal court as clear and conversing and self evidence in support of Plaintiff's complaint and complain's against the current named Defendants standing in the shoes of the prior parties that acted and failed to act that cause the Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris to his past and future injuries.

2. This action is to bring just cause relief for the inactions to act to relief Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris from his Felony - - - See Judgment and order(s) of the State of Michigan 47<sup>th</sup> Judicial Circuit Court of Delta, Register of Action(s) Attached; COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT.

3. This conviction remains on my, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris, State of Michigan Criminal History Report. The records will reflect that the time in jail imposed by the Court has been served, all fines and cost were paid, and that I, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States was released from probation; and still a Felon.

**JURISDICTION AND INTRODUCTION OF PARTIES**

4. This suit is brought pursuant to 42 U.S.C. Section 1983 seeking a declaratory and injunction to redress the past deprivation and to prevent the further deprivation by the Defendants and their agents, acting under color of state law, State Statutes, of the Rights Privileges, and Immunities secured by the Constitution of the United States, namely the due process clause of the Fourteenth Amendment section 5 that is binding on the States and the Fifth Amendment guaranteeing to all Citizen freedom to be left alone, Right of assembly, and the Right to Petition for redress of the grievances of the requested relief.

A. Title 42 U.S.C.A. § 1983; Civil action for deprivation of rights;

Each person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any Citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or Immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

B. The Seventh Amendment are:

"In Suits at common law . . . the right of trial by jury shall be preserved. . . ." On its face, this language is not directed to jury characteristics, such as size, but rather defines the kind of cases for which jury trial is preserved, namely, "suits at common law." And while it is true that "[w]e have almost no direct evidence concerning the intention of the framers of the seventh amendment itself," the historical setting in which the Seventh Amendment was adopted highlighted a controversy that was generated not by concern for preservation of jury characteristics at common law, but by fear that the civil jury itself would be abolished unless protected in express words.

C. Title 28 U.S.C. § 2072 requires that the Rules of Civil Procedure promulgated by this Court "shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution." As the Court recognizes, this requirement is made applicable to local rules of procedure by 28 U.S.C. § 2071, which requires that "[s]uch rules shall be consistent

with Acts of Congress and rules of practice and procedure prescribed by the Supreme Court." - - -  
**SEE - - - Colgrove v. Battin, 413 U.S. 149 (1973).**

5. The right to be let alone that Justice Brandeis identified was a right the Constitution "conferred, as against the government"; it was that right, not some generalized "common law right" or "interest" to be free from hearing the unwanted opinions of one's fellow citizens, which he called the "most comprehensive" and "most valued by civilized men."

6. This Court has jurisdiction pursuant to 28 USC section 1331, 28 U.S.C. § 1331 to authorize federal court jurisdiction over some cases in which state law creates the cause of action but requires determination of an issue of federal law, § 1331 jurisdiction to cases in which federal law creates the cause of action pleaded on the face of the plaintiff's complaint; finding that federal question jurisdiction over a state law claim requires a parallel federal private right of action to justify federal question jurisdiction; 28 U.S.C. § 1343 (3)(4).

A. This cause of Civil action is clearly stated within the several Counts within this Civil action of the alleged violation(s) of the Constitution and laws of the United States as the Supreme Laws of this Nation, sovereign nation among the Nations of the World; ***28 U.S.C. § 1331 to authorize federal court jurisdiction over case in which state law creates the cause of action but requires determination of an issue of federal law, in which federal law creates the cause of action pleaded on the face of plaintiffs' complaint; finding that federal question jurisdiction over a state law claim requires federal private right of action to justify federal question jurisdiction; 28 U.S.C. § 1343 (3) (4), federal question jurisdiction.***

B. Title 28 U.S.C. § 1331 jurisdiction to cases in which ***federal law creates the cause of action pleaded on the face of the plaintiff's complaint; finding that federal question jurisdiction over a state law claim requires a parallel federal private right of action*** to justify federal question jurisdiction; 28 U.S.C. § 1343 (3)(4), federal question jurisdiction .

C. The ***distinction is proper -- that is, that the language of 28 U.S.C. § 1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States" (emphasis added), is narrower than the language of Art. III, § 2, cl. 1, of the Constitution, [t]he judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be***

*made, under their Authority; Under federal common law for violation of possessory rights.*

D. The particular laws are that of the Fourth, Fifth, Sixth, Seventh - - - Right to Trial by the Jury at Common-law and the Ninth Amendments of the Constitution of the United States the federal courts are to be the "primary and powerful reliances" for vindicating federal rights.

E. Plaintiff's invoke the **same operative language as § 1331, which confers general federal question jurisdiction, the "well pleaded complaint" rule governing whether a case arises under § 1331** and HEREIN incorporate a "RELIANCE-DEFENSE as a Affirmation Defense in the ONE-CAUSE of ACTION IN LAW AND EQUITY under the *Federal RULE of LAW at common-law in this district court of the united states as a matter of RIGHT*.

G. In reaching its decision in Holmes Group, the Court first attributed to the words "arising under" in § 1338(a) the same meaning those words have in §1331. See *id.*, at 829-830. It then reasoned that a counterclaim asserted in a responsive pleading cannot provide the basis for "arising under" jurisdiction consistently with the well-pleaded complaint rule. See *Vaden v. Discover Bank*, 556 U.S. \_\_\_\_ (2009) as a Reliance Defense to this **"well-Pleaded-Technical-Complaint"** that is also frequently called in the books **"words of art"**. Immaterial, not affecting substantial rights, as a means to present the Plaintiffs Complaint and he Relied Requested arising under the laws of the United States that confers on district court [exclusive] original jurisdiction of any civil action arising under any Act of Congress

7. Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris action against the current Defendants for past deprivation to the current named Defendants, RICK SNYDER/ a.k.a. Rick Snyder personally as the state government official as the acting GOVERNOR OF THE STATE OF MICHIGAN/ Michigan state, Bill Schutte a.k.a, BILL SCHUTTE, Personally as the state government official ,Attorney General for Michigan state, THE STATE OF MICHIGAN 525 Ottawa, Law Building, Lansing, Chief Prosecuting Attorney for Michigan/State of Michigan to the current 42 U.S.C. Section 1983 Violation of the Constitutional Rights of the inactions of the State Officials failure to remove the INFORMATION FELONY, AMENDED INFORMATION FELONY CTN 1 MCL 750.110a (2). [750.110a2] - - - FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING, - - - FELONY 4 Years and/or \$5,000.00 MCL 750.360 [760.360]

- - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT in a timely procedure in the Courts of the State of Michigan that has caused the Plaintiff to be injured.

8. This is an action to redress the deprivation under color of the Statutes of the State of Michigan of the Felony ---FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT in violation of the Fifth Amendment to the Constitution of the United States of the usages and Customs of the State of Michigan.

9. This is an action to redress the deprivation under color of the Statutes of the State of Michigan denial of US CONST Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE IV--STATES--RECIPROCAL RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

10. Power to abridge privileges or immunities of citizens of United States denied to states, see USCA Const. Amend. XIV, Sec. 1., secured to Plaintiff by the Constitution of the United States, providing for equal rights of Citizens or all persons within the jurisdiction of the United States.

11. This Court has subject matter jurisdiction of this claim under 28 U.S.C. Section 1343 (a)(3)and 1343 (a)(4).

12. This action, could be recognized only where a constitutional issue was at stake can justify federal jurisdiction and the constitutional question.

13. The distinction is proper -- that is, that the language of 28 U.S.C. § 1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or



treaties of the United States" (emphasis added), is narrower than the language of Art. III, § 2, cl. 1, of the Constitution, [t]he judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. Under federal common law for violation of possessory rights.

14. The jurisdiction and venue of the "United States district court" district court of the United States Eastern District of Michigan Southern Division is pursuant 28 U.S.C. section 102. Michigan is divided into two judicial districts to be known as the Eastern and Western Districts of Michigan.

15. The United States District Court for the Eastern District of Michigan Southern Division has original jurisdiction over this action, pursuant to the authorities cited in the above caption, to wit: The Plaintiff, In re. Jean Michael Pilot moves this United States District Court for the Eastern District of Michigan Southern Division Article III court having the authority to hear questions arising under the Constitution, Laws, and Treaties of the United States, including but not limited to the Bill of Rights, Eleventh Amendment, original Thirteenth Amendment, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights, with Reservations. See Supremacy Clause in the Constitution for the United States of America, as lawfully amended (hereinafter "U.S. Constitution").

16. Jurisdiction is incorporated invoked under L.Cv.R. 9.2 Application for Habeas Corpus Petition, SECTION 1983 COMPLAINT CIVIL RIGHTS VIOLATION, and SECTION 2255.

A. This action by the Petitioner In re. Jean Michael Pilot **In Propria Persona, Sui Juris** jurisdiction is proper in this United States District Court for the Eastern District of Michigan Southern Division.

B. These issues of the alleged violation of the Fifth, Sixth, Eight and Fourteenth Amendments to the Constitution of the United States, the laws of the United States, the laws and the Michigan Constitution that are raised and argued within the body of this Writ TO: seek relief in the United States District Court for the District of Columbia and incorporate **22 U.S.C. § 1732. Federal question is preserved in this action that would allow the petitioner to raise this argument in the United States District Court for the District of Columbia.**

C. **22 U.S.C. § 1732. Release of citizens imprisoned by foreign governments.**

Wherever it is made known to the President of the United States that any citizen of the United

States has been unjustly deprived of his liberty by and or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress. (R. S. § 2001.)

D. **See Ker v. Illinois, 119 U.S. 436 (1886)** — “A plea to an indictment in a state court that the defendant has been brought from a foreign country to this country by proceedings which are a violation of a treaty between that country and the United states, and which are forbidden by that treaty, raises a question, if the right asserted by the plea is denied, on which this Court can review, by writ of error, the judgment of the state court.”

(1.) “But where the prisoner has been kidnaped (kidnaped by the State of Michigan Foreign Judgment) in the foreign country and brought by force against his will within the jurisdiction of the state [119 U.S. 437] whose law he has violated, with no reference to an extradition treaty, though one existed, and no proceeding or attempt to proceed under the treaty, this Court can give no relief, for these facts do not establish any right under the Constitution or laws or treaties of the United States.”

(2.) “The treaties of extradition to which the United States are parties do not guarantee a fugitive from the justice of one of the countries an asylum in the other. They do not give such person any greater or more sacred right of asylum than he had before. They only make provision that for certain crimes, he shall be deprived of that asylum and surrendered to justice, and they prescribe the mode in which this shall be done.”

17. Plaintiff, Citizen in and of the United States, Jean Michael Pilot is further seeking individual damages from Defendants jointly and separately - - - to the fine points of law are treated singly and Together - - - Jointly; pursuant to the laws of Michigan state providing liability for tortuous conduct breach of Oath-of Office. State and Federal Claims set forth below derive from a common nucleus of operative facts so that this Court may exercise supplemental jurisdiction over



the state-law claims under 28 U.S.C. Section 1367.

18. That the amount in Claim for damages in actual controversy is in excess of Five Million-dollars in United States funds, currency of the United States (\$5, 000,000.00) Dollars

### **VENUE**

19. All Parties in this pending matter are in the United States and/or are citizen of the State of Michigan

20. All occurrences took place on soil of the United States, in the United States of this Court's jurisdiction to enforce the Laws and the Constitution of the United States and the attached Articles, and Amendment as the Supreme Law of the nation among nations of the world.

### **Citizenship of Principal Party**

21. Plaintiff, Jean Michael Pilot, has a dual Citizenship is a Citizen of the sovereign state of Michigan, in the sovereign 48 states of the United States and of the United States in the Union of the 50 States of the united States of America.

22. Immunity regarding Jean Michael Pilot Petitioner, is invoked under **Article IV, § 2, Clause 1 - - Privileges and Immunities of Citizens; as the Superior Law of the Land in accordance with 50 U.S.C. § 1, International Law, and the amended "War Powers Act," (1945), and the amended "War Powers Act" of 2001, that no property shall be taken without due-process and equal protection of the law** (of the War Powers Act) which includes the power "to remedy the evils which have arisen from its rise and progress" continuing during that emergency. **Hamilton vs. Kentucky Distilleries & W. Co., 251 U.S. 146,161 (1919).**

23. Treaty law is invoked in accordance with **50 U.S.C. § 1**, because the Foreign STATE OF MICHIGAN entered into a Treaty with the United States of America in the Union of 50 American States, in accordance with International Law, under the Constitution for the United States of America, 1791, as amended, under **Article 1, § 8, Clause 11, and Article IV, Clause 2**, as the Supreme Law of the Land in accordance with the "War Powers Act." See **United States of America vs. State of Michigan, 471 F. Supp.192 (1979).**

### **PRIOR ACTION**

24. Plaintiff filed a Prior Action in this Court Petition for Writ of Habeas Corpus before the Honorable Paul D. Borman, the Court's response is attached as self evidence for cause to bring this title 42 U.S.C. Section 1983 action, because the time of one-year from the conviction has passed.

25. Plaintiff Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona herein incorporates his Motion to Set-Aside his AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT. SEE Response by Judge Paul D. Borman in his ORDER as attached in support of this action.

## **PARTIES**

26. The Plaintiff, Jean Michael Pilot [a/k/a JEAN MICHAEL PILOT] lives in Michigan state is located at c/o 28730 Victor, Street Roseville, in the Union of the 28 states of the sovereign united States and of the 50 states of the United States of America. 48066 - - - (586) 322-7924

27. Defendant, RICK SNYDER a/k/a, Rick Snyder is being sued Personally-Capacity as a government official as the acting governor of the **de-facto THE STATE OF MICHIGAN/ de-jure - - - in part with all requirements of law, - - - with de-aequitate here meaning "by law"**, in the fiction by force, maintains a regular place of business at the ROMNEY BUILDING, 111 SOUTH CAPITAL AVENUE, LANSING, MICHIGAN Rick Snyder as an individual acting as a government official as the governor of the sovereign Michigan state/THE STATE OF MICHIGAN, having his regular place of business at the Capital Building, the seat of the government, Lansing. Michigan state. in this particular case is actively involved in commercial activity and is subject to **28 U.S.C. § 1602**, as defined in **28 U.S.C. §1603** - - For purpose of this chapter (**28 U.S.C.S. §§ 1602 et., seq.**).

(a) The "United States" includes all territory and waters, continental or insular, subject to the jurisdiction of the United States. [**as a State Owned Corporation - Ruggiero vs. Companin**

**Peruana de Vapores, 639 F2d. 872, 31 F.R. Serv. 2d. 192, (1981)].**

(b) A “commercial activity” means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference (;

COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years, to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose. See **28 U.S.C.S. § 1605, (a) (1) (2).**

(c) Defendant, RICK SNYDER a/k/a, Rick Snyder is being sued as an individual, is the acting governor of the **de-facto THE STATE OF MICHIGAN/ de-jure - - - in part with all requirements of law, - - - with de-aequitate here meaning “by law”** is a “citizen” of another (foreign) state. (**COUNTY OF MONROE v. STATE OF FLORIDA and State of New York and Metropolitan Dade County, Florida; No. 738, Dockets 79-7745, 81-7229, U.S. Court of Appeals, 2nd Circuit (1982)**). The De-facto THE STATE OF MICHIGAN in this particular case is actively involved in commercial activity, and accepting Commercial Paper, Federal Reserve Notes, as a created Entity of the STATE OF MICHIGAN **[Clearfield Trust Co. vs. United States, 318 U.S. 363-371]**, and is subject to **28 U.S.C. § 1602**, as defined in **28 U.S.C. §1603** - - For purposes of this chapter (**28U.S.C.S. §§ 1602 - 1605 (2) et., seq.**).

(d) Defendant, RICK SNYDER a/k/a, Rick Snyder is being sued as an individual, is the acting governor of the **de-facto THE STATE OF MICHIGAN/ de-jure - - - in part with all requirements of law, - - - with de-aequitate here meaning “by law” - - -** Is the Holding agent in this matter and is acting as the warden. Holding Citizen Jean Michael Pilot in the conviction. See Judgment and order(s) of the State of Michigan 47<sup>th</sup> Judicial Circuit Court of Delta, Register of Action(s) Attached; COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A

BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3  
 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360]  
 COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110]  
 FELONY 10 Years.

28. Plaintiff - - - [I]t is my comprehension as Plaintiff, that in accordance with the Superior Law of the Land in Michigan state in the Union of 50 American united States, a seizure “occurs” when the Living body of Jean Michael Pilot a.k.a. [JEAN MICHAEL PILOT] is/was taken without a **JUDICIAL WARRANT UNDER GRAND - JURY-INDICTMENT**, warrant, and that the federal question is then raised in accordance with Article IV of the Amendments to the Constitution for the United States of America, 1791, as amended. The question is whether this seizure is reasonable under THE STATE OF MICHIGAN STATUTES in this particular act, when act falls within the domain of the Superior Law of the Land, was insured without probable cause BY THE GRAND - JURY AND WARRANT BY THE GRAND-JURY (See Michigan Department of State Police vs. Sitz, 496 U.S. 444 (1990)) in compliance with lawfully delegated and applied Police Powers in Michigan state. See CITY OF INDIANAPOLIS vs. Edmond, No. 99-1030 (2000); Chandler vs. Miller, 520 U.S. 305 (1997); Vernonia School District 47J vs. Action, 515 U.S. 646 (1995); Harmelin vs. Michigan, 501 U.S. 957 (1991). Also see - - - Munn vs. State of Illinois, 94 U.S. 124 (1876). The court held under the powers inherent in every sovereignty, a government may regulate the conduct of its Citizens toward each other, and, when necessary for the public good.

29. Defendant BILL SCHUTTE a/k/a/ Bill Schutte, STATE OF MICHIGAN/ Michigan state ATTORNEY GENERAL, is being sued as an individual, Personal - Capacity as a government officer is the Chief Prosecuting Attorney for Michigan and the Plaintiff moves before this Article III Judicial Court of the United States for judicial challenge as to whether the STATUTES OF THE STATE OF MICHIGAN are applied/misapplied to the alleged violates the Law of the Land in the original 48 states of the United States as sovereign states and incorporated into the Union of 50 States of the United States/ United States of America, and Amendment Fourteen, Section Five, due process and equal protection of the law, (**that property shall not be taken without due-process of the law**), of the Amendments to the Constitution for the United States of America, 1791, as

amended, hereinafter referred to as the Constitution, as the supreme Law of the Land in the United States of America, and Article 1, § 23, Michigan Constitution of 1963, Enumeration of Rights not to deny others, under maxim **sic utere tuo ut alienum non laedas**. “So use your own as not to injure another’s property.” 1 Bl. Com. 306; Broom’s max. 160; 4 McCord, 472; 2 Bouv. Inst. n. 2379. Maxims of Law from Bouvier’s 1856 Law Dictionary.

**30. The word “citizen” [falls] within meaning of 18 U.S.C. § 241 despite fact he was convicted felon. See United States v. King, 587 Fed. 209 (1979). NOTE - - - Plaintiff is alleged to be held in custody - - - untimely detention by the conviction to be a “FELON” - - - How ever the Plaintiff is not charged to have violated the Constitution and/or Laws of the United States.**

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

## **VENUE**

31. All Parties in this pending matter are in the United States and/or are citizen of the State of Michigan

32. All occurrences took place on soil of the United States, in the United States of this Court’s jurisdiction to enforce the Laws and the Constitution of the United States and the attached Articles, and Amendment as the Supreme Law of the nation among nations of the world.

## **Citizenship of Principal Party**

33. Plaintiff, Jean Michael Pilot, has a dual Citizenship is a Citizen of the sovereign state of Michigan, in the sovereign 48 states of the United States and of the United States in the Union of the 50 States of the united States of America.

34. Immunity regarding Jean Michael Pilot Petitioner, is invoked under **Article IV, § 2, Clause 1 - - Privileges and Immunities of Citizens; as the Superior Law of the Land in accordance with 50 U.S.C. § 1, International Law, and the amended "War Powers Act," (1945), and the amended "War Powers Act" of 2001, that no property shall be taken without due-process and equal protection of the law** (of the War Powers Act) which includes the power "to remedy the evils which have arisen from its rise and progress" continuing during that emergency. **Hamilton vs. Kentucky Distilleries & W. Co., 251 U.S. 146,161 (1919).**

35. Treaty law is invoked in accordance with **50 U.S.C. § 1**, because the Foreign STATE OF MICHIGAN entered into a Treaty with the United States of America in the Union of 50 American States, in accordance with International Law, under the Constitution for the United States of America, 1791, as amended, under **Article 1, § 8, Clause 11, and Article IV, Clause 2**, as the Supreme Law of the Land in accordance with the "War Powers Act." See **United States of America vs. State of Michigan, 471 F. Supp.192 (1979).**

36. The definition of "STATE" in A Law Dictionary Adapted to the Constitution and Laws of the United States of America and the Several States of the American Union by John Bouvier, Sixth Edition, Volume 1, clearly demonstrates the known and understood sovereignty of the 50 States of the American Union, and the constitutional mandate applicable to and binding on the 50 States of the American Union. The STATE OF MICHIGAN is a Foreign STATE to the Union of 50 American states of the United States of America.

37. Citizen Jean Michael Pilot, Plaintiff, has met Article III requirements by demonstration of personal stake in the outcome of this case in controversy, of being held to an unconstitutional act Violation of; COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking



& entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years. Regulation Violation, that is not the Law of the Land in Michigan, - - - ALLEGING A VIOLATION OF THE PEACE, VIOLATION OF THE CONSTITUTION AND LAWS OF THE UNITED STATES AS THE SUPREME LAW without due-process of the Law of the Land in Michigan state. See State of Michigan v. U.S., C.A. 6 (Mich) 1993, 994 F.2d 1197, that the STATE OF MICHIGAN is prohibited from prosecuting Citizens in Michigan, and the 50 United States of America has a duty and obligation to protect the Citizens in Michigan, in the , 50 United States of America. That the petitioner has a right (Reservation of Rights to move to the United States District Court for the District of Columbia) under L.Cv.7.1 Motion to Intervene by the United States of America, and the Department of Justice, and Motion for Three Judge Panel.

A. To declare what shall constitute a crime (See Metheny vs. Hamby, 835 F. 2d. 672 (1987); Daigle vs. United States, 76 F.3d. 376, (C.A. 6 Michigan 1996); Randall vs. United State, 325 U.S. 148, F. 2d. 234, 325 U.S. 885 (1945)) and how it shall be punished, is an exercise of the sovereign power of the state (Worcester vs. Georgia, 31 U.S. 515 (1832)).

## **RESERVATION OF RIGHTS**

38. Plaintiff, Jean Michael Pilot gives CONSTRUCTIVE -NOTICE of Reservation of Right - - - TO: - - - move before the United States District Court for the District of Columbia, with a Reservation of Right on appeal; And to show cause Barack Obama the President of the United States/ United States of America why Jean Michael Pilot Citizen of and in the United States be held subject to the foreign Judgment of the State of Michigan; AND name UNITED STATES DEPARTMENT OF JUSTICE Eric H. Holder, Jr., United States Attorney General, a.k.a. Eric H. Holder, Jr., Attorney General for the UNITED STATES OF AMERICA with the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W. Washington, D.C.20540-0001 under Article III Judicial Court for judicial review invoking PUBLIC ACTS OF THE THIRTY-NINTH CONGRESS of the UNITED STATES CHAP. XXXI – An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their vindication.

39. **THEREFORE, Plaintiff, Jean Michael Pilot** moves as a matter of “RIGHT” for the vindication of the alleged violation of the Constitution and Laws of the United States on soil of the

United States.

40. Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled. That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States - - - shall have the same rights, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence - - - .

41. Sec. 2 And be it further enacted. That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act - - - .

Sec. 3 - - - Courts of the United States to Have Jurisdiction of offences under this act.

Sec. 4. - - - Suits commenced in State Courts may be removed on defendant's motion - - - 1865, ch 90, Vol. xiii, p.507 - - - 1863, ch 87 Vol. Xii p.735 Jurisdiction to be enforced according to the laws of the United States, or the common law, &c.

**THIRTY-NINTH CONGRESS. Sess. I. CH. 31. 1866**

Sec. 4 And be it further enacted - - - District attorney, &c., to institute proceedings against all violating this act. - - - (laws of the United States) see offences against the laws of the United States.

Sec. 6 And be it further enacted. - - - penalty for obstructing process under this act.

Sec. And be it further enacted - - - That upon all questions of law arising in any cause under the provisions of there is act a final appeal may be taken to the Supreme Court of the United States

Also see - - - In the Senate of the United States, April 6, 1866.

42. The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act to protect all persons in the United States in their Civil rights, and furnish the means vindication," with his objections thereto, the Senate proceeded in pursuance of the Constitution, to reconsider the same; and., ( Note the Bill passed over the veto of the President)

43. The Plaintiff moves to transfer from the Admiralty- Jurisdiction of the State of Michigan Courts' to the law side of this court's jurisdiction as an Article III Court of an actual "Case in Controversy" of the question of law and fact (the law of the case) of the alleged Constitutional violation by the Statutes of the State of Michigan that is being in "DETENTION" as in custody by

the **CONVICTION**, detained under the alleged Foreign Judgment by the Statutes of the State of Michigan without Judicial Certification and seal of the United States and the keeper of the Seal the Department of State in the city of Washington, in the District of Columbia, in the sovereign Maryland state.

A. Plaintiff was denied as a matter of Right **the RIGHT TO THE GRAND JURY AND GRAND JURY INDICTMENT; AND RIGHT TO TRIAL BY COMMON-LAW JURY** under the Seventh Amendment to the Constitution of the United States; also see - - - **See U.S. Constitution Art. III § 1** See generally Charles J. Cooper, State Decisis: Precedent and principle in Constitutional Adjudication, 73 Cornell L. Rev. 401, 410 n.6 (1988) observing that hierarchical precedent is “the obligation of lower federal courts to follow decisions of the Supreme Court” and that [t]here is no serious debate regarding this obligation because the alternative is so obviously chaos”) Evan H. Caminker, *Why Must Inferior Courts Obey Superior Court Precedents?*, 46 *Stan. L. Rev.*, 817, 820 (1994)) (critiquing doctrine of hierarchical precedent).

44. Defined - - - Foreign Judgments and the Phrase - - - **“in this state,”** within constitutional provision against holding more than one lucrative office at once, **means in the state government**. **Const. art. 2, § 26. Boswell v. Powell, 43 S.W.2d 495 (Tenn.1931). See Boswell v. Powell, 43 S.W.2d 495 (Tenn.1931).**

45. Further citing — **COMPILED LAWS MICHIGAN 1948 — *The People of the State of Michigan enact: – 691.52*** Same organization and regulation; dues; discipline; publication of rules.

**Section 2.** The supreme court is hereby authorized to provide for the organization and regulation of the state bar of Michigan; to provide rules and regulations concerning the conduct and activities of the association and its members; the schedule of membership dues therein, non-payment of which shall be grounds for suspension, the ethical standards to be observed in the practice of law, and the discipline, suspension or disbarment of association members. Under such regulations and restriction as the supreme court may prescribe, the power of subpoena may be conferred upon the association or its officers and committees for the purpose of aiding in the case of discipline, suspensions or disbarment; the rules promulgated by the supreme court to be published in the Michigan reports and advance sheets thereof. **HISTORY: Am. 1947, p40 Act 34, Imd. Eff. April 11.**

46. Further pursuant to **MICHIGAN COMPILED LAWS Annotated and the MICHIGAN**

**CONSTITUTION OF 1963 — JUDICIAL COUNCIL – 691.31 to 691.33 — Repealed by P.A. 155, No. 180, § 1, Eff. Oct.14**

**And;**

**STATE BAR OF MICHIGAN — 691.51, 691.52. Repealed by P.A. 1961, No. 236, § 9901 Eff. Jan. 1, 1963.**

Further see *M.C.L.A. See 691.1151* for foreign State Definitions. Section 1. As used in this act: —

(a) **“Foreign state”** means any governmental unit other than the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama canal zone, the trust territory of the Pacific islands or the Ryukyu islands. **Note - - -** The State of Michigan is a separate State on equal footing under the Equal Footing Doctrine of Michigan state in the territory of the United States.

(b) **“Foreign judgment”** means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial of family matters; **and**

**M.C.L.A. 691.1155** for Foreign State Appearance doing business in foreign State, the State of Michigan is a foreign State and is subject to the **Foreign Agents Registration Act of 1938 - - - See Rabinowitz v. Kennedy, 376 U.S. 605 (1964)**

“The Foreign Agents Registration Act was first enacted by Congress on June 8, 1938. It required agents of foreign principals to register with the Secretary of State. “[A]gent of a foreign principal” was defined as any person who acts or engages or agrees to act as a public relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal. . . 52 Stat. 631, 632. (Emphasis added.) “Foreign principal” was defined as the government of a foreign country, a political party of a foreign country, a person domiciled abroad, or any foreign business, partnership, association, corporation, or political organization. . . . Exempted from the definition of “agent of a foreign principal” was a person, other than a public relations counsel, or publicity agent, performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal. 52 Stat. 631, 632. (Emphasis added.) In 1961, the exemption section was amended to apply to persons engaging

or agreeing to engage only in private and nonpolitical, financial or mercantile activities in furtherance of the bona fide trade or commerce of such foreign principal. . . . (Emphasis added.) 75 Stat. 784. The Senate and House Reports accompanying this amendment state its purpose as follows:”

**THIS NOTICE IS REQUIRED TO GIVE FAIR NOTICE AND WARNING**

47. See **Holt vs. United States**, (19/31/10) 218 U.S. 254, 54 L. Ed. 1021, 31 S.Ct. 2. In the Twenty-Fourth Congress. Sess. I, chapter CCXXX section. That a person learned in the law can act as attorney for the United States. **This act does not mention that the person is required to be license or proof of education for a college of law to practice law**. The right to practice law is a federally protected personal liberty see **Siegert vs. Gilley**, 500 U.S. 226 (1991). And a private right of this sovereign, Citizen in and of United States that is exempt for the statutes of the corporate State of Michigan. See **United States vs. Cooper Corporation**, 312 U.S. 600, (1941) note from the By-laws of the corporate State of Michigan. See **Kawananokoa vs. Polyblank**, 205 U.S. 349 (1907). The rules of the court may not violate the United States Constitution and must conform to any Act of Congress. See **Frazier vs. Heebe**, 482 U.S. 641, (1987) at 483 U.S. 654, see **Section 1654** provides; In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein, also see **Civil Rights Cases**, 109 U.S. 3, (1888).

48. Jean Michael Pilot, Plaintiff, reserves the right to correct errors after a determination by the United States District Court for the Eastern District of Michigan Southern Division with a reservation to resubmit his cause of action to The Judicial District Court for the District of Columbia, in the city of Washington, D.C. in the sovereign state of Maryland.

**TAKE JUDICIAL NOTICE**

49. All officers, agents, employees, marshals of the United States, attorneys for the government of the United States/ United States Attorney are placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *cases cited* -- ***Haines vs. Kerner***, 404 U.S. 519-421, ***Platsky vs. C.I.A.*** 953 F.2d. 25, and ***Anastasoff vs. United States***, 223 F.3d 898 (8<sup>th</sup> Cir. 2000) relying on ***Willy vs. Coastal Corp.***, 503 U.S. 131, 135 (1992), ***“United States vs. International Business Machines Corp.***, 517 U.S.

843, 856 (1996), quoting *Payne vs. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring). *Trinsey vs. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647, *American Red Cross vs. Community Blood Center of the Ozarks*, 257 F.3d 859 (8<sup>th</sup> Cir. 07/25/2001). In re *Haines*: pro se litigants Jean Michael Pilot is a pro se litigant is/are held to less stringent pleading standards than bar [licensed] attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. **In re *Platsky*: court errs if court dismisses the pro se litigant** Jean Michael Pilot is a pro se litigant without instruction of how pleadings are deficient and how to repair pleadings. **In re *Anastasoff***: litigants' Constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a Constitutional right to have their claims adjudicated according the rule of precedent. See *Anastasoff vs. United States*, 223 F.3d 898 (8<sup>th</sup> Cir. 2000). Judgment(s) must be proven by evidence entered on the record through a competent witness. See *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8<sup>th</sup> Cir. 07/25/2001). **Telephone Cases.** (Part Two Three) (03/19/88) 126 U.S. 1, 31 L. Ed. 863, 8 S. Ct. 778. Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for the court's summary conclusion. *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

50. FURTHER Jean Michael Pilot Plaintiff, sovereign Citizen in the United States Pleads to the Constitution of the United States in Bar of the action, notwithstanding which the court and the justices of the United States Supreme Court gives judgment saying "the lawful demand of one's rights" jus prosequendi in judicio quod alicui debetur.

A. This is to show there can be "a case in law and equity". Arising under the Constitution to which the judicial power does extend arising under section 8 of Article 1 of the Constitution of the United States and under section 5 of the Fourteenth Amendment as well, of this "Federal civil rights cause of action" is established [p]ursant to the affirmative powers of congress, an Act of the Congress of the United States.

## FLAG JURISDICTION ON THE FLAG OF AMERICA

51. There has been much discussion about the Jurisdiction of the Flag: Title: 4: U.S.A. the Codes: Section : 1 & 2:, where the flag can be used, where the CONSTITUTION : OF THE



UNITED: STATES, has authority, the C.U.S.A. is a document under Noun: Jurisdiction: with entity Qualities.

- 1. The authority of the C.U.S.A. is kept as a living trust, by the United: States of the America: Supreme-Court: all officers of the Court, must Swear or Affirm the Oath or Affirmation: Judges, Attorneys, Clerks, Police, Sheriffs, Congressmen, Legislature, Senators, and President of the United: States of the America: for having the Authority of Governing over the Citizen in the Party. The Citizen in the party, having elected or appointed the Officers, through the Election process, of the C.U.S.A. Article of the Nine ( 9. ).

- 2. The use of the Title: 4: U.S.A. the Codes: Section: 1 & 2, flag: ( 1 x 1.9 ), the Fraudulent Flag of Fringe. The Spear or Eagle, on the top of the Flag: Pole or standard or a Braid on the Flag: Pole, under the Title: 42: U.S.A. the Codes: Section: 1986 for the knowledge, F.R.C.P. Rule: 60 (b.) Discovery; F.R.C.P. Rules: 26 (e.) Discovery and reporting the Fraud, F.R.C.P. Rule: 9 (b.) For Fraud and condition of the mind, will cause the Title: 42: U.S.A. the Code: Section; 1986: neglect by not stopping and correcting a wrong, the Title: 4: U.S.A. the Codes; 3: desecration of the Flag, by Creating a Foreign: State, making the Fiduciary [Judge] under the Law of the Flag, a master over all Citizens in the Party, that would make contract, with the Person = Corporation = Fraud, Citizen's named all upper case letters, by making the corporation; Person, and by enslaving the Citizen in the Party, into a Criminal: confession, for the purpose of the Deprivation of Right's: the Title: 18: U.S.A. the Code: section: 242: Extortion of Fees, Money, Freedom, Duty, or Property: the Title: 18: U.S.A. the codes: 242, Obstructing Justice: the Title: 42: U.S.A. the Codes: Section; 1985 (2.), Obstruction of Justice: the Title: 18: U.S.A. the Codes; Section; 1512, causing Constructive-treason, Contempt of the C.U.S.A. False Swearing and Perjury of Oath: the Title: 18: U.S.A. the Codes: Section: 1621.

- 3. National Flag, ( Dimensions: 4 x 6 ) and ( 12 x 17 ) are under Army: Reg: 840- 10: chapter: 2-3), have the Authority by putting Fringe on Three Sides, for the display in Court-Marshals with a Spear on top of the Standard and Braid on the Standard for Maritime and Admiralty-Courts. See Black's: Dictionary: Law of the flag. Executive- Order: 10834 (Dated: August the 25 of 1959).

- 4. The Fraud of the Creating a Foreign: State/Power, is when a the Title: 4: U.S.A. the Codes: section; 1 & 2: flag of the U.S.A. is used In Place of the National: Flag. When the Citizen in the Party Seeing the Same, does research, and false to see and Measure the Difference in the

Dimensions of the Flag, is now tried under a Foreign: state/Jurisdiction: as a Civilian (Wrong Venue F.R.C.P. Rule: 12 (b.) (3.), or a Foreign: State/ Power: with the Judge now a Master with the Title of the Esquire. Article of the One, Section of the Nine (9.), violation and C.U.S.A. ( Year-1789 ) and Article of the Four, Section: the Three: ( 1865 ) No New states shall be erected within any State or of the Parts of other States.

- 5. Article the One, Section of the Nine (9.), of the C.U.S.A. ( Year-1865) No Title of the Nobility, Shall have Jurisdiction, over any, Sovereign Citizen in the Party.

- 6. The answer for the violation of the breach of the Oath and Affirmation, is the first Contract of the Officers, of the Public's trust. When the Constitution is surrendered to a Foreign: State then constructive- Treason, Perjury of Oath: the Title: 18: U.S.A. the Codes; section; 1621, contempt for the Constitution: of the United: States of the America: and False Swearing are the Violations.

- 7. Abbreviation: F.R.C.P. = Federal: Rules of Civil-Procedure

U.S.A. The Codes = United: States of America the Codes

U.C.C. = Uniform- Commercial- Codes:

C.U.S.A. Articles the = CONSTITUTION: OF THE UNITED: STATES OF THE AMERICA:  
ARTICLE THE U.S.A. = UNITED: STATES OF THE AMERICA

### **STATEMENT OF THE CASE- - - COMMON ALLEGATIONS OF FACTS**

52. Plaintiff hereby incorporates all prior allegations by reference as if they were fully set forth herein.

53. This is a Civil Complaint of incorporates actions into one action violation of the due-process and equal protection of the law under the laws of the United States; Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona,

54. This is an action for review of the conviction out of the State of Michigan 47<sup>th</sup> Judicial Circuit Court of Delta, Register of Action(s) Attached; COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360]

- - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years.

55. Why Jean Michael Pilot Citizen in and of the United States should be held to this foreign Judgment of the State of Michigan for the reasons stated in this proceeding for Relief pursuant to Title 42 U.S.C. Section 1983 for Relief; AND incorporate Motion to Set-Aside the Felony; by the fact the Plaintiff has served the time imposed by the Court, Paid all Fines and Cost; And has been released from Probation.

56. That it should be NOTED - and TAKE NOTICE OF THE MOTION FOR NOLLE PROSEQUI - - - In England, for example, private parties could initiate criminal prosecutions, but the Crown-entrusted with the constitutional responsibility for law enforcement-could enter a nolle prosequi to halt the prosecution. See, e.g., *King v. Guerchy*, 1 Black W. 545, 96 Eng. Rep. 315 (K. B. 1765); *King v. Fielding*, 2 Burr. 719, 720, 97 Eng. Rep. 531 (K. B. 1759); see also *King v. State*, 43 Fla. 211, 223, 31 So. 254, 257 (1901) (Private prosecutions in England were understood to be "conducted on behalf of the crown by the privately retained counsel of private prosecutors"); P. Devlin, *The Criminal Prosecution in England* 21 (1958).

(A.)NOTE - - - CONSTRUCTIVE - NOTICE is given that THE STATE OF MICHIGAN IS "NOT" the sovereign and is de-facto on equal footing with Michigan state as a sovereign acting de-jure; AND FURTHER the actions taken by THE STATE OF MICHIGAN were by THE STATE OF MICHIGAN - - - lacking "ANY and ALL" statement as to "ANY" violations of the laws of the United States; AND the COMPLAINT - - - was by INFORMATION - - - FELONY lacking a GRAND-JURY-INDICTMENT when the terms in the STATE OF MICHIGAN INFORMATION FELONY COMPLAINT EXCEEDS ONE YEAR to file for Writ of Habeas Corpus relief from Judgement and to File Motion to Set-Aside Judgement by Writ of Habeas Corpus proceeding.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for

equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

**COUNT I**  
**GROSS NEGLIGENCE**

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57. That Plaintiff hereby incorporate by reference paragraph one (1) through fifty-six (56) in their entirety as repeated paragraph by paragraph.

58. That Defendants by their in- actions in the Courts of the State of Michigan and omissions, failed to act to Summon the Defendant , Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris to have the Felony Conviction Set- Aside were engaging in conduct so reckless that it demonstrated a substantial lack of concern whether an injury would result to , Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris.

59. The particulars of the gross negligence include, but are not limited to the following:

(a) Knowingly and intentionally manufacturing evidence lack of witness and witness identifications when none existed as an INDUCEMENT to plead to the AMENDED INFORMATION FELONY COMPLAINT.

(b) Continuing to engage in improper abusive tactics, including making fraudulent false and misleading information in the Complaint and investigator reports in an effort trick as an INDUCEMENT to plead to the AMENDED INFORMATION FELONY COMPLAINT - - - when the Defendant was a 17 year old Defendant.

(c) Ignoring common sense and federal common law of the right of as American Citizen by right of the guarantees of the signers of the Bill of Rights and the creation of the United States of America as was first mentioned.

(d) Ignoring common sense and federal common law pursuant to the laws of the United States particularly the First, Fourth, Fifth and Fourteenth Amendment of the United States Constitution and the abuse of the judicial courts of the United States and the Courts of the State of Michigan. - - - Defendant's Right to a Grand-Jury

Proceeding that cannot be Waived as a Constitutional guarantee.

60. That as a direct and proximate result of the negligence of the PRIOR- actions of the prosecuting attorney and the Prior Governor to act to have the Defendants Felony Set-Aside, the current named Defendants - - - STAND - in -THEIR- SHOES as the named Defendants. Plaintiff Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris has suffered damages previously enumerated in COUNT I and II, of his Complaint, among others, which are incorporated by reference.

61. That as a result of the Defendants in actions to correct the record of Plaintiff's Criminal History Report did suffer and will continue to suffer from humiliation, embarrassment as well as extreme mental and emotional anguish and damage to his reputation. - - - Labeled as a Convicted Felon when he, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris has paid the price for his actions.

62. That Defendants acted individually Jointly and Severally, and other Officers of the Corporations, have been at all times relevant to this Complaint are sued individually, personally acting in their official capacity as officers, agents and licensed attorneys of the State Bar of Michigan, were grossly negligent in their actions and not in pursuant of any legitimate governmental function of protecting the Citizen of Michigan at the time the occurs when an action is taken under the color and authority of the enforcement of the statutes of the State of Michigan that are in conflict to federal law. Plaintiff says the Defendants - - - INACTION to correct the record were with malicious, wantonly and intentional and therefore, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris is entitled to exemplary and/or punitive damages by the jury award.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights,

Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

## **COUNT II** **DEFAMATION**

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63. The Plaintiff hereby incorporate by reference paragraph fifty-seven (57) through sixty-two (62) in their entirety as repeated paragraph by paragraph.

64. That the Defendants at all times relevant to this Complaint are sued individually, personally acting in their official capacity as officers, agents and licensed attorneys of the State Bar of Michigan and, by and through their INACTIONS failed to respond to the Writ of Habeas Corpus Proceedings in the United States District Court for the Eastern District of Michigan Southern Division when they were served copies of the Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris actions, were grossly negligent in their - - - INACTIONS - - - and did not pursuit any legitimate governmental function - - - to correct the Plaintiffs/Petitioner Criminal History Report - - - they defamed the Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris. Defendants INACTIONS were with maliciously, wantonly and intentional of the publications and republication and of the Petitioner's Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris and was placed in civil jeopardy.

65. That as a direct and proximate result of Defendants, officers, individually jointly and Severally at all times relevant to this Complaint employed by The State of Michigan/Michigan state now known and were advised of the failure to Set-Aside the Petitioners Criminal History Report are sued individually acting in their official and personal capacity as officers, agents and licensed attorneys of the State Bar of Michigan. Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris did suffer and will continue to suffer from humiliation and embarrassment as well as extreme mental and emotional anguish and damage to their reputations - - - INACTION - - - to SET-ASIDE the Felony Conviction



of Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris.

66. That the Defendants, officers, individually jointly and Severally at all times relevant to this Complaint employed by The State of Michigan/Michigan state are sued individually acting in their official capacity as officers , agents and licensed attorneys of the State Bar of Michigan were grossly negligent in their actions doing their job and receiving compensation for the work performed and not in pursuit of any legitimate governmental function as keepers of the peace and protection of the Citizens of Michigan at the time they defamed the Plaintiff. Defendants acted maliciously, wantonly and intentionally and therefore Plaintiff is entitled to exemplary and/or punitive damages in excess of one-million dollars (\$1,000,000.00) United States currency dollars.

**WHEREFORE**, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris. Plaintiff, claims exemplary and/or punitive damages in excess of one-million dollars (\$1,000,000.00) United States currency dollars each from the private purses of the name separate Individual Defendants acting Jointly and Severally and Together.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

### **COUNT III**

### **CONSPIRACY TO VIOLATE STATE AND FEDERAL LAW IN VIOLATION OF 42 USC § 1983**

**Title 42 U.S.C.A. § 1983; Civil action for deprivation of rights;**  
**Each person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any Citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or Immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.**

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67. Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris. Plaintiff. Plaintiff Hereby incorporates by reference paragraph sixty-three (63) through sixty-six (66) in their entirety as repeated paragraph by paragraph.

68. The Defendants explicitly or implicitly in concert and apparently because they were under pressure to charge Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris. Plaintiff to Plead to the AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT, Defendant's INACTION commit the following wrongs:

(a) Violating Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris State and Federal Constitutional Rights to be free from illegal searches .

(b) Slandering and labeling Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris in the eyes of the public and in the eyes of the courts as a convicted Felon.

(c) Engaging in grossly negligent INACTIONS or omissions that led to this current action to correct the Plaintiff's Criminal History Report.

69. As a result of the deprivation of Plaintiff's Civil Rights, Privileges and Immunities as Citizens, under Article IV §2, clause 1, violation of Treaty Law, Plaintiff was deprived of his personal liberties as heretofore alleged by theses False Claims as a Felon. Plaintiff suffered actual injury in fact, a harm that is both "concrete" and "actual" and "imminent" loss of earning capacity, damage to his reputation, standing and association in his community by the republication of this action in a public place the records of the State of Michigan 47<sup>th</sup> Judicial Circuit Court of Delta, Register of Action(s) Attached; COMPLAIN FELONY, INFORMATION FELONY, AMENDED INFORMATION FELONY CTN - 1 MCL 750.110a (2). [750.110a2] FELONY: 20 Years and/or \$5,000.00 - - - COUNT 1 HOME INVASION -1<sup>ST</sup> DEGREE, COUNT 2 LARCENY IN A BUILDING - - - FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] - - - COUNT 3 LARCENY IN A BUILDING - -- FELONY: 4 Years and/or \$5,000.00 - MCL 750.360. [760.360] COUNT 4 breaking & entering - a building with intent - - - contrary to MCL. 750.110 [760.110] FELONY 10 Years - - - without a GRAND-JURY-INDICTMENT. This action caused emotional upset, aggravation, indignation, anxiety and outrage. Due to theses action on the part of the Defendant(s).

70. This action is in violation of the right to acquire and possess property under Article IV §2, Clause 1, in accordance with the Privileges and Immunities in the United States/ United States of America, in connection with the taking of private property the natural body of Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris without due-process and judicial review.

71. Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris has been placed with a Disability with regard to future production job opportunities, emotional upset, aggravation, indignation, anxiety and outrage. Because of the emotional upset caused by Defendant(s) outraged activities, which caused Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris additional physical pain and suffering. All of which may continue into the indefinite future.

72. Plaintiff, was subject to this action because of the Plaintiff's political affiliation as an

"American Citizen"- - Citizen in and of the United States, living in Michigan state not being a member of the corporate State of Michigan and/or of the State Bar of Michigan. As a result of a purely political process of carrying out executive orders, of the De-facto State of Michigan, in Michigan state.

73. That as a direct and proximate result of the INACTIONS of the Defendants to act on their own to Remove the Felony Conviction actions, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris sustained compensable damages under Federal Civil Rights Statutes in the district court for the united states in the eastern district of Michigan, southern division including but not limited to :

- (a) Attorney Fees
- (b) Mental anguish and emotional distress
- (c) Humiliation
- (d) Fright and shock
- (e) Loss of reputation
- (f) Loss of personal income
- (g) Loss of earning capacity

**WHEREFORE, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT** natural Citizen in and of the United States In Propria persona, Sui Juris demand all damages compassable under Michigan and Federal Law a demand a Judgment against the Defendants for compensatory, exemplary and punitive damages in excess of two million dollars (\$2,000,000.00) United States currency (dollars) from each of the defendants from the private purses together with costs, interest and attorney fees pursuant to *42 USC § 1998*.

**WHEREFORE, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT** natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev.

Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

#### **COUNT IV**

#### **CONSTITUTIONAL VIOLATIONS FOR ILLEGAL SEARCH UNDER 42 USC SEC. 1983 AND STATE LAW AS TO DEFENDANT**

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74. That Plaintiff hereby incorporate by reference paragraph sixth-seven (67) through seventh-three (73) in their entirety as repeated paragraph by paragraph.

75. That **42 USC § 1983** provides for civil liability for deprivation under color of state law and particularly to denial of US CONST Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE IV--STATES--RECIPROCAL RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. - - - subjects the Defendants to liability; AND the Fourteenth Amended strips State officials of Immunity 10-15-2011 and Second case Violation of § 4 Clayton Act. **SEE - - - Patsy v. Board of Regents of State of Florida, 457 U.S. 496 (1982)**

76. Power to abridge privileges or immunities of citizens of United States denied to states, see USCA Const. Amend. XIV, Sec. 1., secured to Plaintiff by the Constitution of the United States, providing for equal rights of Citizens or all persons within the jurisdiction of the United States.

77. That all of the above Defendants were acting under color of state law and subject to the Plaintiff for their INACTIONS to remove the Felony when the Defendants/Respondents were served copies of the pleadings file in the United States District Court for the Eastern District of Michigan Southern Division. When the Felony Conviction was under collateral- attack.

78. That all of the above Defendants were acting in their official and/or individual capacities and said Defendants are not entitled to avail themselves of the defense of qualified immunity and

are being sued individually and personally.

79. That at all times pertinent hereto, the Defendants, individually, personally and officially as corporate officers acting Jointly and Severally and in concert, in an unlawful, malicious and willful manner with deliberate indifference and gross negligence and under the color of state and Federal laws to deprive natural Citizen in and of the United States, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris his right to be free from invasion of privacy as guaranteed by the Constitution of the United States of America 5th and 14th and form of government, Section 4. From of state government — Protection Article IV, § 4.

80. In connection with the aforementioned Plaintiff, the named Defendants did not follow or comply with or conform to the authority to act in their official duties as officers of the corporations named in this Complaint under Article VI clause 3, of the constitution for the united States of America, 1791, as amended, in Michigan, with regard to position, action are in conflict and separate from the laws and the constitution for the United States. Plaintiff was subjected to this action without cause without a judicial determination to have his Felony Conviction Remain on his Criminal History Report, without reasonable pre-investigation and without procedural and/or alleges a breach of the peace or substantive due process through an administrative act, non judicial. Plaintiff ,Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris is/was denied property, property Rights, Privilege, Immunities, and personal liberties without due process of which Defendants are subject to Amendment fourteen section 5, of the Constitution for the United States of America, 1791, as amended.

81. Plaintiff, has no adequate remedy in the State of Michigan 47th. Judicial Circuit Court or an action by Writ of Habeas Corpus - - - because of the **ONE-YEAR- from the time of the Felony has lapsed** - - - to file for Relief under Writ of Habeas Corpus. Plaintiff, contends that there exists an actual case in controversy of actual damages in fact, that is a harm that is both “concrete and “actual” and “imminent” set forth in this case between the parties.

**WHEREFORE** Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris demand all damages compassable under Michigan and Federal Law & demand a Judgment against the Defendants for compensatory, exemplary and



punitive damages in excess of two million dollars (\$2,000,000.00) United States currency (dollars) from each of the defendants from the private purses together with costs, interest and attorney fees pursuant to **42 USC § 1998**. Violation of Title 42 U.S.C. Section 1983 and Violation of US CONST Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE IV--STATES--RECIPROCAL RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. - - - subjects the Defendants to liability.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

**COUNT V**  
**CONSTITUTIONAL VIOLATION FOR THE ILLEGAL ACT OF**  
**DEFAMATION OF CHARACTER UNDER 42 USC SEC. 1983**

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82 That Plaintiff hereby incorporate by reference seventy-four (74) through eighty-one (81) in their entirety as repeated paragraph by paragraph.

83. That **42 USC § 1983** provides for civil liability for deprivation under color of state law or any right, privilege or immunity derived from the United States Constitution or U.S. Laws.

84. That all of the above Defendants were acting under color of state law particularly in Violation of US CONST Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE

IV--STATES--RECIPROCAL RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. - - - subjects the Defendants to liability.

85. That all of the above Defendants were acting in their official and/or individual and in a personal capacities and said Defendants are not entitled to avail themselves of the defense of qualified immunity acting as citizens of the United States and/or claim exemption to the Fifth and Fourteenth Amendments to the Constitution of the United States.

86. That at all times pertinent hereto, the Defendants' did act individually and jointly, separately and in concert, in an unlawful, malicious and willful manner with deliberate indifference and gross negligence and under the color of state and Federal laws - - - NO-GRAND-JURY-INDICTMENT deprived Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris his personal liberty and privileges as a Citizen of the right to be freedom from invasion of a foreign De-Facto Government of the De-facto foreign State of Michigan of privacy as guaranteed by the Constitution of the United States of America, 5th and 14th.

87. That as a result actions/inactions of the Defendants, officers, individually, personally acting Jointly and Severally. Plaintiff were deprived of his constitutional rights and privileges and immunities secured by the Michigan Constitution as well as the Constitution of the United States, specifically *42 USC 1983* including but not limited to the following:

(a) The right to be free from illegal seizures of objects, persons or property as guaranteed by the Constitution of the United States of America, Amendment No. 4;

(b) The right to be from invasion of privacy as guaranteed by the Constitution of the United States, Amendment No. 1. 4 and 14;

(c) Plaintiff's right to be free from lost liberty without due process of law as guaranteed by the Constitution of the United States of America, Amendments No. 5 and 14; Failure to Remove the Felony Conviction Timely.

(d) Plaintiffs right to equal protection under the law guaranteed by the Constitution of the United States of America, Amendment No. 5 and 14;

(e) Plaintiffs right to be free from cruel and unusual punishment under the law as guaranteed by the Constitution of the United States of America specifically, Amendments No. 8 and 14, as well as by the Michigan Constitution, Article 1 sec. 16. - - - Felony Conviction remaining on his Michigan Criminal Report after in "FULL" compliance with "ALL" ORDER(s) of the Courts.

88. That the - - - PRIOR - - - Defendants, officers, individually and the named Defendants acting Jointly and Severally are not entitled to avail themselves of the defense of qualified immunity and/or claim an exemption acting under the color of the statutes of the State of Michigan. Each of said Defendants - - - STANDING in the SHOES of the Prior STATE OF MICHIGAN officers, did violate each and every one of the Constitutional amendments directly and/or indirectly and responsible to one and each other, jointly and severally as therefore mentioned and furthermore, said violations were a result of gross negligence of the PRIOR GOVERNOR AND ATTORNEY GENERAL - - - INACTIONS - - - and the INACTIONS of the current named Defendants are deliberate indifference and said officers actions were not in pursuit of any legitimate governmental function at the time that they illegally taking of private property of Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris against his will without a judicial order and judicial decision on the laws of the United States that were no cited as being violated by the Plaintiffs, and defamed the Plaintiff, and as a result thereof, Plaintiff did suffer and will continue to suffer from humiliation, embarrassment as well as extreme mental and emotional anguish and damage to his reputation. - - - The Felony remaining on his Michigan Criminal History Report.

**WHEREFORE** Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris demand all damages compassable under Michigan and Federal Law a demand a Judgment against the Defendants for compensatory, exemplary and punitive damages in excess of two million dollars (\$2,000,000.00) United States currency (dollars) from each of the defendants from the private purses together with costs, interest and attorney fees pursuant to 42 USC § 1993. Violation of Title 42 U.S.C. Section 1983 and Violation of US CONST Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE IV--STATES--RECIPROCAL

RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. - - - subjects the Defendants to liability.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

## **COUNT VI**

### **CONSTITUTIONAL VIOLATIONS UNDER 42 USC SEC. 1983**

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89. That Plaintiff hereby incorporate by reference paragraphs eighty-two (82) through eighty-eight (88) in their entirety as repeated paragraph by paragraph.

90 That the Defendant's breached their duties by the following grossly negligent acts and/or omissions which include but are not limited to the following:

(a) Failure of The current Defendants to remove - - - Set-Aside - - - the Felony Conviction and to maintain a proper policy, practice or procedure with regards under federal law, Fifth Amendment to the U. S. Constitution, due-process clause.

(b) The Defendants' did fail to properly train the PRIOR State officials, employees and/or agents of the State of Michigan in the proper method of inquiring and determining the existence of probable cause and/or obtaining filing a complaint - - FELONY INFORMATION COMPLAINT should have knew or should have known in the exercise of reasonable care or should have known that failure to train employees and/or agents would subject Plaintiff or others similarly situated to

unreasonable seizures of private property - - - and the BODY of the State Defendant and deprivation of liberty without probable cause and due process of law, contrary to the Fourth and Fourteenth Amendment of the United States Constitution.

(c) That Defendants' acting in concert, did have policies and procedures set out as guidelines for discipline for officers who failed to adhere to the policy and procedures outlined by federal and state law and in failing to implement the disciplinary procedures were responsible, in fact the Defendants' should have been deprived of such responsibility in failing to deprive the Defendants' knew or should have known through the exercise of reasonable care that the officers and agents of the corporations would be committing constitutional violations upon Plaintiffs, including violating Plaintiffs Fourth, Fifth and Fourteenth Amendment Rights, causing unjustifiable seizures to take place which resulted in Plaintiff being deprived of his civil rights to be free from unreasonable seizures of private property - - - the BODY - - - of Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris to take place which resulted in Plaintiff Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris being deprived of their civil rights to be free from unreasonable seizures and to be free from being deprived of the right to liberty and freedom guaranteed by the Fourth, Fifth and Fourteenth Amendment of the United States Constitution, all of which constitutes deliberate indifference. Felony conviction remaining on his Michigan Criminal History Report as a Convicted Felon.

91. That as a direct and proximate result of the actions/inactions of the Defendants', the Plaintiff did sustain personal injuries including verbal assault and abuse - - - publication of the Michigan Criminal History Report as a Convicted Felon with out a due-process hearing and in addition suffered mental and physical anguish, anxiety, humiliation and embarrassment as well as damage to his reputation all to his disadvantage through the publication of the Michigan Criminal History Report.

**WHEREFORE** Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris demand all damages compassable under Michigan and Federal Law a demand a Judgment against the Defendants for compensatory, exemplary and punitive damages in excess of two million dollars (\$2,000,000.00) United States currency (dollars) from each of the defendants from the private purses together with costs, interest and attorney fees pursuant to *42 USC § 1998*. Violation of Title 42 U.S.C. Section 1983 and Violation of US CONST

Art. IV Sec.2, cl.1, Privileges and Immunities, UNITED STATES CODE ANNOTATED CONSTITUTION OF THE UNITED STATES ARTICLE IV--STATES--RECIPROCAL RELATIONSHIP BETWEEN STATES AND WITH UNITED STATES, Section 2, Clause 1. Privileges and Immunities, Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. - - - subjects the Defendants to liability.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amdt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Constitution and Laws of the United States and pursuant to and additional relief.

**THEREFORE** As a result of said conspiracy, willful disregard for Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris Plaintiff suffered actual damage in fact, that is concrete, loss of compensation, loss of earning capacity, loss of earning potential, damage to his reputation by the named separate individual and individual foreign State of Michigan, standing and association in his community in Michigan state in the United States as an American Citizen, not being a member of the public body corporate of the State of Michigan.

**WHEREFORE**, Plaintiff pray that this Court enter Judgment in favor of the Plaintiff against each of the Defendants' jointly and together in the amount of (\$1,000,000.00) one Million dollars in United States Currency

**COUNT VII**  
**COMPLAINT FOR CHALLENGE PURSUANT TO FIFTH, NINTH AND**  
**TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED**  
**STATES PURSUANT TO "STRICT SCRUTINY" IS THE PROPER**  
**STANDARD OF REVIEW FOR AN EQUAL PROTECTION CHALLENGE TO**



**THE STATE OF MICHIGAN POLICY**

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92. That Plaintiff hereby incorporate by reference eighty-nine(89) through ninth-one (91) in their entirety as repeated paragraph by paragraph.

93. Plaintiff says ***The people, through that instrument, established a more perfect union by substituting a national government, acting, with ample power, directly upon the citizens, instead of the confederate government, which acted with powers, greatly restricted, only upon the States.***

94. Plaintiff says The burden is on the government and the attorney(s) to establish necessity of statutory classification and compelling interest to move on the application, enforcement of the that the Felony Remain of the Plaintiff's for Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris Michigan Criminal History Report as this applies in the matter before this Court with the present Defendants standing in the shoes of the prior State of Michigan Governor and Attorney General - - - THIS IS A CIVIL ACTION and is NOT CRIMINAL - - -. When the Fifth Amendment to the Constitution guarantees to Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris the right of due-process and equal-protection of the law of which were clearly violated.

95. Plaintiff says the Eight and Fourteenth Amendment section 5 to the Constitution of the United States that is binding on the states, due-process and equal protection of the law, particularly federal and state law and is self evidence of the true federal law and the Rights, Privileges and Immunities that are guaranteed to this Citizen.

96. Plaintiff says as a non-attorney the Supremacy Clause Article VI Clause 2, and 1 U.S.C. §109, Federal Saving Statute that are binding on the JUDGES of the STATES, for the Constitution of the United States of America, as the Supreme Law of the Land under the American Flag of the sovereign United States, of the Union of 50 United States.

97. Plaintiff says this action is brought good faith and good cause that justice best be served and is brought in pursuant to ***"Strict Scrutiny" Is The Proper Standard of Review For an Equal Protection Challenge to The State of Michigan Policy of the enforcement of the Statutes of the***

*State of Michigan that are in conflict with the Constitution and Laws of the United States* of which have deprived me, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris, Citizen in and of the United States of my person property Rights, personal liberties in violation of his Fifth, Sixth, Eight and Fourteenth Amendment Right to the Constitution of the United States as the supreme law of the land In the 47<sup>th</sup> Judicial Circuit Court, DeIta, county, Michigan state. - - - that is under collateral attack.

98. Plaintiff says this is a collateral challenges to state court judgment(s) In The 47<sup>th</sup> Judicial Circuit Court and the taking of his private property without a judicial hearing; and is a termination of his liberties, rights immunities; and has suffer a deprivation, restraint of liberty for profit and gain. Plaintiff by and through this action taken under the color of State of Michigan statute enforcement, has suffered "collateral consequences."

A. The word attorney was defined as: "**ATTORNEY**, n. One who takes the turn or place of another...One who is appointed or admitted in the place of another, to manage his matters in law. The word formerly signified any person who did business for another; ...The word answers to the procurator, (proctor) of the civilians..." "Attorneys are not admitted to practice in courts, until examined, approved, licensed and sworn by direction of some court; after which they are proper officers of the court."

B. It has long been recognized under the Common Law that attorneys were different from "counselors." The New York Code recognized the words as having different meanings as it states: "...by an attorney, solicitor, "OR" counselor, or..." **NY Code, 4th Ed. Rev., 1885, Article 179, Page 272.**

C. In Title 10, Article 303, page 465, I find the same usage as it stated: "...the right of a party to agree with an attorney, solicitor, 'OR' counsel..." (Emp. added)

99. Plaintiff says that Pursuant to **41 Cong. Rec. 2752**. "The bill was intended to create "the opportunity to settle important questions of law," its "great purpose" being "to secure the ultimate decision of the court of final resort on questions of law."

100. Plaintiff says to this honorable court that pursuant to **32d section of the act to establish the judicial courts of the United States it is provided:**

(A.) "That no summons, writ, return, process, judgment or other proceedings in civil

causes in any of the courts of the United States shall be abated, arrested, quashed or reversed for any defect or want of form, but the said courts, respectively, shall proceed and give judgment according as the right of the cause and matter in law shall appear to them, without regarding any imperfections, defects or wants of form in such writ, declaration, or other pleading, return, process, judgment or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express, together with his demurrer, as the cause thereof." In view of **Roach v. Hulings**, 41 U.S. (16 Pet.) 319 (1842) in this action at law as a case in actual controversy in violation of the laws and the Constitution of the United States.

101. Plaintiff reserves the right to bring an action pursuant to *obstruct the administration of justice will not be impaired within the meaning of 18 U.S.C. § 401 see In re McConnell*, 370 U.S. 230 (1962). This action was brought under the Clayton Act, §§ 4 and 16, 38 Stat. 731, 737, 15 U.S.C. §§ 15, 26, and charged violations of §§ 1 and 2 of the Sherman Act, 26 Stat. 209, as amended, 15 U.S.C. §§ 1, 2.

102. Plaintiff further says *in the matter of Malley-Duff's - - because this litigation was filed less than four years after Malley-Duff's termination as Crown Life's agent, which is the earliest time Malley-Duff's RICO action could have accrued, the litigation is timely. Pp. 156-157.*

103. Plaintiff says at issue in these consolidated cases is the appropriate statute of limitations for civil enforcement actions under the *Racketeer Influenced and Corrupt Organizations Act (RICO)*, 18 U.S.C. § 1964 (1982 ed. and Supp. III). [483 U.S. 145]

104. Plaintiff says to the court the characterization of a federal claim for purposes of selecting the appropriate statute of limitations is *generally a question of federal law, Wilson v. Garcia, supra, at 269-270.*

105. Plaintiff says as a non-attorney that the Rules of Decision Act, 28 U.S.C. § 1652, *requires application of state statutes of limitations unless "a timeliness rule drawn from elsewhere in federal law should be applied."* *DelCostello v. Teamsters*, 462 U.S. at 159, n. 13

106. Plaintiff says *citing by reference the Report of the Ad Hoc Civil RICO Task Force of the ABA Section of Corporation, Banking and Business Law 391 (1985) (hereinafter ABA Report) applies in theory to this action.*

107. Plaintiff says unlike § 1983, however, we believe that it is a federal statute that offers

the closest analogy to civil RICO. **The Clayton Act, 38 Stat. 731, as amended, 15 U.S.C. § 15,** offers a far closer analogy to **RICO** than any state law alternative. Even a cursory comparison of the two statutes reveals that the civil action provision of **RICO** was patterned after the **Clayton Act**.

**The Clayton Act provides:**

***Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States . . . and shall recover threefold the damages by him sustained, and the cost of suit including a reasonable attorney's fee. 15 U.S.C. § 15(a).***

108. Plaintiff says to this court both RICO and the Clayton Act are designed to remedy economic injury by providing for the recovery of treble damages, costs, and attorney's fees. Both statutes bring to bear the pressure of "private attorneys general" on a serious national problem for which public prosecutorial resources are deemed inadequate; the mechanism chosen to reach the objective in both the Clayton Act and RICO is the carrot of treble damages. Moreover, both statutes aim to compensate the same type of injury; each requires that a plaintiff show injury "in his business or property by reason of" a violation. Argument the Plaintiff Jean Michael Pilot has shown an injury in fact by the fact he may lose his home, property rights in violation of the Fifth Amendment to the Constitution of the United States, due-process and equal protection of the law in equity under the laws of the United States.

109. Plaintiff says that the court has held that *Clayton Act strongly counsels in favor of application of the 4-year statute of limitations used for Clayton Act claims. 15 U.S.C. § 15b. This is especially true given the lack of any satisfactory state law analogue to RICO. While "[t]he atrocities" that led Congress to enact 42 U.S.C. § 1983 "plainly sounded in tort," Wilson v. Garcia, 471 U.S. at 277.*

110. Plaintiff says that the court has held that there is also available the 5-year statute of limitations for criminal prosecutions under RICO. See 18 U.S.C. § 3282. This statute of limitations, however, is the general "catchall" federal criminal statute of limitations. RICO itself includes no express statute of limitations for either civil or criminal remedies, and the 5-year statute of limitations applies to criminal RICO prosecutions only because [483 U.S. 156] Congress has provided such a criminal limitations period when no other period is specified. Thus, the 5-year

statute of limitations for criminal RICO actions does not reflect any congressional balancing of the competing equities unique to civil RICO actions or, indeed, any other federal civil remedy. In our view, therefore, the Clayton Act offers the better federal law analogy.

**NOTE - - - Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona was made aware of the Felony remaining on his Michigan Criminal History Report when he made application for this Report - - - through a F.O.I.A. REQUEST.**

**NOTE this Action Is Brought Within One Year of Being Notified of His Michigan Criminal History Report.**

111. Plaintiff says citing prior decisions of the United States Supreme Court as evidence of a valid claim of action in the matter of *Sun Oil Co. v. Wortman*, 486 U.S. 717 (1988) the court held “*The holding of M'Elmoyle v. Cohen*, 13 Pet. 312, that statutes of limitation may be treated as procedural, and therefore governed by the forum State's law for choice-of-law purposes, was correct when handed down.” ; *The Full Faith and Credit Clause provides:*

112. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. The Full Faith and Credit Clause does not compel a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate; See *Graves v. Graves's Executor*, *supra*, at 208-209 (“The statute of limitations . . . does not destroy the right, but withholds the remedy. It would seem to follow, therefore, that the *lex fori*, [486 U.S. 726] and not the *lex loci*, was to prevail with respect to the time when the action should be commenced”); See *Shutts III*, 472 U.S. at 823 (“[I]n many situations, a state court may be free to apply one of several choices of law”)

113. Plaintiff says this brings into issue of a state court may be free to apply the choice of law and in this instance matter whether the state court choice of law violated the Fifth, Eighth, Ninth, Tenth and Fourteenth Amendments to the Constitution of the United States.

114. Plaintiff says further whether The Defendants now known that Jean Michael Pilot,

A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris has a verification of his true Michigan Criminal History report of his valid claim. See, e.g., Restatement (Second) of Conflict of Laws § 131 (remedies available), § 133 (placement of burden of proof), § 134 (burden of production), § 135 (sufficiency of the evidence), § 139 (privileges) (1971). See *Wells v. Simonds Abrasive Co.*, 345 U.S. 514 (1953) (shorter); *Townsend v. Jemison*, 9 How. 407 (1850) (longer); *McElmoyle v. Coken*, 13 Pet. 312 (1839) (shorter). The main question presented in this case is whether this line of authority has been undermined by more recent case law concerning the constitutionality of state choice-of-law rules. See *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797 (1985); *Allstate Ins. Co. v. Hague*, 449 U.S. 302 (1981).

116. Plaintiff further says after reviewing the current case as a reliance defense — The minimum requirements imposed by the Full Faith and Credit Clause are that a forum State should not apply its law unless it has "a significant contact or significant aggregation of contacts, creating state interests, such that choice of its law is neither arbitrary nor fundamentally unfair." *Phillips Petroleum*, supra, at 813, quoting [486 U.S. 736] *Allstate*, supra, at 312-313. See *Estin v. Estin*, 334 U.S. 541, 546 (1948) (the Full Faith and Credit Clause "substituted a command for the earlier principles of comity, and thus basically altered the status of the States as independent sovereigns")

117. Plaintiff says upon information and belief State of Michigan is a creation of the Congress of the United States of America.

**First — Upon Information and Belief as a non attorney**

(A) The State of Michigan is a fictional creation of the Congress of the United States of America as a non sovereign State, that was admitted into the Union on the Doctrine of Equal Footing.

(B) The history of the territory of Michigan, Michigan state and The State of Michigan, and the foreign Government of the State of Michigan of the united States as preserved in the Northwest Ordinance 1787 of the Act of Congress, July 13, 1787, of the Enabling Acts of the Act of Congress, June 15, 1836, 5 U.S. Stat. at Large 49, and of the Act of Congress, June 23, 1836, 5 U.S. Stat. at Large 59; of the Michigan Ordinance Submitting alternatives, Laws of 1836, p.57, July 25, 1836; of the *Michigan Assent to Condition of Admission*; of the Admission of the State, Act of Congress, January 26, 1837, 5 U.S. State. at Large 144; of Chapter VI. - An Act to admit the State of Michigan into the Union, and are upon an equal footing with the original States; of the present Constitution



of the State of Michigan 1963, effected January 1, 1964, as Amended to April 1, 1985. Petitioner, claims sovereign immunity as a federal Citizen of the Union in the United States. See *Tiger vs. Western Investment Co.*, 221 U.S. 286 (1911); *Oklahoma Tax Comm'n., vs. United States*, 319 U.S. 598 (1943).

(C) The State of Michigan is a foreign country (see *The United States Government Manual at page 354 of the Department of Justice dated 1996-1997*), incorporated by an act of Congress. Act of the Twenty-Fourth Congress, dated January 26, 1837, Act of June 15, 1836, ch. 99, Act of June 23, 1836, ch. 121. The constitutionality of the apportionment of the District(s) of the State of Michigan and the apportionment of the Legislative Body for the State of Michigan is in conflict with the boundaries of Michigan state as a sovereign state — see the Twenty-Fourth Congress, Sess. II, Chapter 9, 1837.

(D) An Act to admit the State of Michigan into the Union, upon an equal footing with the original States. This action by the Congress of the United States is alleged to be in violation of 28 U.S.C. Section 1330, No New States can be Erected within the state and No New State of the Fiction/Foreign-Jurisdiction has Jurisdiction over the Sovereign Citizen in the territory of Michigan, in the state of Michigan (see Title 28 U.S.C. Section 1330); under the C.U.S.A.F. Six, the State of Michigan and its creations are by this action in violation of the consent of admission, An Act of the Congress, January 26, 1837, admitting the State of Michigan into the Union, upon equal footing with the original States. Complainant alleges that the State of Michigan and its Creations are in violation of the Eighteenth Congress, Sess II, chapter 6 Act, in addition to an Act entitled "An Act to amend the ordinance and acts of Congress for the government of the territory of Michigan," under the Northwest Ordinance of the Northwest Territorial Government, Act of Congress, August 7, 1789 1 U.S. Stat. Ch. VII, pp. 50-53. pursuant to the **Enabling Acts, of Act of Congress, June 15, 1836 5 U.S. Stat. at Large 49 of Section 4 - - - in part, "And the said State of Michigan shall in no case and under no pretense whatsoever, impose any tax, assessment or imposition of any description upon any of the Lands of the United States within its limits. - - - Approved June 15, 1836. Act of Congress, June 23, 1836, 5 U.S. Stat. at Large 59;"** and for other purposes. (a), and section 7. Eight, the Twenty-Fourth Congress. Sess. I. chapter 88, (1836) - - -

(E) An Act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed (a) of section 2. And be it further enacted, "That the constitution and State Government, which the people of Michigan have formed for themselves by the same is hereby, accepted, ratified, and confirmed; and that the said State of Michigan shall be, and is hereby, declared to be one of the United States of America." See TWENTY-FOURTH CONGRESS. Sess. I. Ch.121. '836 Chap. CXXI. — Statute I. June 23, 1836, Act of June 15, 1836. Ch.99.

(F) The State of Michigan was admitted into the Union of the original States on equal footing by consent and condition. This is a contract pursuant to Article 1, § 10 of the Constitution

for the United States of America, 1794, as amended. The Laws of the United States enforced at the time of admission, will remain enforced in the State of Michigan. The Rights, Privileges and Immunities of Article IV, § 2, Clause 1 of the Constitution are private that were violated by the State of Michigan in this present action, including the due-process clause of Amendment Fourteen, section one and section five of the Constitution for this Nation, that are binding on the States.

(G) The definition of “STATE” in A Law Dictionary Adapted to the Constitution and Laws of the United States of America and the Several States of the American Union by John Bouvier, Sixth Edition, Volume 1, clearly demonstrates the known and understood sovereignty of the 50 States of the American Union, and the constitutional mandate applicable to and binding on the 50 States of the American Union. See **Texas vs. White, 74 U.S. 700 (1868)**. The Constitution ordains that the judicial power of the United States shall extend to certain cases, and among them to controversies between a State and citizens of another State; . . . and between a State, or the citizens thereof, and foreign States, citizens or subjects. It ordains further, that in cases in which “a State” shall be a party, the Supreme Court shall have original jurisdiction. [74 U.S. 703].

**WHEREFORE, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT** natural Citizen in and of the United States In Propria persona, Sui Juris further says “[T]he sovereign . . . cannot in any way be subject to the commands of another, for it is he who makes law”. J. Eliot cited Baldus for the crux of the theory: majesty is “a fulness of power subject to noe necessitie, limited within no rules of publicke Law,” 1 J. Eliot, *De Jure Maiestatis: or Political Treatise of Government* 15, A. Grosart, ed. 1882, and Baldus himself made the point in observing that no one is bound by his own statute as of necessity, see *Commentary of Baldus*, on the statute *Digna vox in Justinian’s Code* l. 14.4, *Lectura super Codice folio 51b*, Chapter De Legibus et constitutionibus, Venice ed. 1496, “nemo suo statuto ligatur necessitative”.

**THEREFORE** - - - The sovereign citizen cannot be defined as a statutory “person,” lumped together in a statute with corporations or other fictitious entities. “Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.” *Yick Wo V. Hopkins, 118 U.S. 356,370 (1886)*. “The individual Citizen may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open her doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom

beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as she does not trespass upon their rights. Upon the other hand, the corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law and the United States Constitution. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation.” *Hale v. Henkel*, 201 U.S. 43,75 (1906).

WHEREFORE, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris further says he is not is a non-resident to the Foreign State of Michigan as a “citizen of another “State, in the sovereign Michigan state of the forum and/or a Corporate officer or employed by the foreign State of Michigan.

#### 1. Officers --30.

Phrase “**in this state**,” within constitutional provision against holding more than one lucrative office at once, means **in the state government** (Const. art. 2, § 26).

[Ed. Note. For other definitions of “In This State,” see Words and Phrases.]

Phrase “**in this state**,” within constitutional provision against holding more than one lucrative office at once, means **in the state government**. Const. art. 2, § 26. *Boswell v. Powell*, 43 S.W.2d 495 (Tenn.1931). See *Boswell v. Powell*, 43 S.W.2d 495 (Tenn.1931).

Pursuant to the *Northwest Ordinance 1787*, an Act of Congress, July 13, 1787, of the Northwest Territorial Government, an Act of Congress, August 7, 1789, 1 U.S. Stat. Ch. VII, pp. 50-53; of an Act of Congress, May 8, 1792, 1 U.S. Stat. Ch. XLII, p. 285; and of the Enabling Acts, an Act of Congress, June 15, 1836, 5 U.S. Stat. at Large 49; of the Act of Congress, June 23, 1836, 5 U.S. Stat. at Large 59, of Michigan ordinance Submitting Alternative of the Laws of 1836, p. 57; July 25, 1836; of *Michigan Assent to Condition of Admission*, on the fifteenth day of December, eighteen

hundred and thirty-six; of that in the Union of the 48 states of the United States of America; of the Original 48 states of the Union of the United States (*see In re Hohost, 150 U.S. 653 at U.S 654 (1893), the Revised Statutes, [150 U.S. 661] applied only to inhabitants of the United States, for its words were that no civil suit should be brought*); under the Original Congress of the United States; of the Articles in addition to, and Amendments of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution. *In re Hohorst, 150 U.S. 653 (1893) at U.S. 659.*

**WHEREFORE, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT** natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests this honorable court of the united States - - - **RESTATES AS A RELIANCE DEFENSE - - - TAKE JUDICIAL NOTICE** — All officers, agents, employees, marshals of the United States, attorneys for the government of the United States/ United States Attorney are placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *cases cited -- Haines vs. Kerner, 404 U.S. 519-421, Platsky vs. C.I.A. 953 F.2d. 25, and Anastasoff vs. United States, 223 F.3d 898 (8<sup>th</sup> Cir. 2000) relying on Willy vs. Coastal Corp., 503 U.S. 131, 135 (1992), "United States vs. International Business Machines Corp., 517 U.S. 843, 856 (1996), quoting Payne vs. Tennessee, 501 U.S. 808, 842 (1991) (Souter, J., concurring). Trinsey vs. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647, American Red Cross vs. Community Blood Center of the Ozarks, 257 F.3d 859 (8<sup>th</sup> Cir. 07/25/2001).* In re *Haines*: pro se litigants Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris is a pro se litigant are held to less stringent pleading standards than bar [licensed] attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. *In re Platsky: court errs if court dismisses the pro se litigant* Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris **without instruction of how pleadings are deficient and how to repair pleadings.** *In re Anastasoff*: litigants' Constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a Constitutional right to have their claims adjudicated according the rule of precedent. See *Anastasoff vs. United States, 223 F.3d 898 (8<sup>th</sup> Cir. 2000).* Judgment(s) must be proven by

evidence entered on the record through a competent witness. See *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8<sup>th</sup> Cir. 07/25/2001). Telephone Cases. (Part Two Three) (03/19/88) 126 U.S. 1, 31 L. Ed. 863, 8 S. Ct. 778. Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for the court's summary conclusion. *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

**THEREFORE**, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris says *"It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."*

**THEREFORE**, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully says to this honorable court that the government for the United States has a Duty and Obligation to protect the "Citizens" living in sovereign Michigan state, under the Treaty of Ghent of 1814, and the Treaty with the Ottawa and Chippewa Nation of 1836. **United States of America vs. STATE OF MICHIGAN et., al., 471 Fed. Supp. 192 (1979).** The STATE OF MICHIGAN as a Foreign State has no authority in areas governed by the treaty. U.S.C.A. Const. Article 1, § 8, Clause 3.

113. Further Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris say's "It is the duty and the right not only of every peace officer of the United States, but of every citizen, to assist in prosecuting, and in securing the punishment of, any breach of the peace of the United States. It is the right, as well as the duty, of every citizen, when called upon by the proper officer, to act as part of the *posse committatus* in upholding the laws of his country. It is likewise his right and his duty to communicate to the executive officers any information which he has of the commission of an offense against those laws, and such information, given by a private citizen, is a privileged and confidential [158 U.S. 536] communication for which no action of libel or slander will lie, and the disclosure of which cannot be compelled without the assent of the government. *Vogel v. Gruaz*, 110 U.S. 311; *United States v. Moses*, 4 Wash. C.C. 726; *Worthington v. Scribner*, 109 Mass. 487."

**THEREFORE**, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris RESERVES THE RIGHT TO respectfully



request this honorable judge of the district court of the united states grant joinder and intervention of the Department of Justice by and through the United States Attorney for the Eastern District of Michigan and/or to the alternative allow Jean Michael Pilot to act in the name of the government of the United States as an independent prosecuting attorney and/or as private attorney general and grant leave of the court to petition the United States District Court for the District of Columbia, naming the President of the United States, the solicitor General for the United States and the United States Attorney for appointment as United States to prosecute this cause of action in the name of the government of the United States.

**WHEREFORE**, Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris respectfully requests relief Under 28 U.S.C. § 1343(3), federal district courts have jurisdiction over civil actions. Action over civil actions in Law and Equity "authorized by law" claiming a deprivation, under color of state law, of rights "secured by the Constitution of the United States or by any Act of Congress providing for equal rights," and under § 1343(4) have jurisdiction over such actions seeking relief under "any Act of Congress providing for the protection of civil rights, for the alleged violations of Property Rights, Violation of the Fourth, Fifth, Ninth and Fourteenth Amendment particularly Amndt. 14, § 1; Rev. Stat. § 1979 and Section 5 of the Consitution and Laws of the United States and pursuant to and additional relief.

**THEREFORE** As a result of said conspiracy, willful disregard for Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris Plaintiff suffered actual damage in fact, that is concrete, loss of compensation, loss of earning capacity, loss of earning potential, damage to his reputation by the named separate individual and individual foreign State of Michigan, standing and association in his community in Michigan state in the United States as an American Citizen, not being a member of the public body corporate of the State of Michigan.

### **COUNT VIII**

### **COMPLAINT – FOR DECLARATORY JUDGMENT ACT 28 U.S.C. § 2201 AND RIGHT TO TRIAL BY THE JURY TENTH AMENDMENT OF THE**



**CONSTITUTION OF THE UNITED STATES OF AMERICA AND FED. R.  
CIV. P. RULES 38 AND 39**

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118. That Plaintiff hereby incorporate by reference paragraph ninety-two (92) through one hundred-seventeen (117) in their entirety as repeated paragraph by paragraph.

119. This is an action for declaratory judgment to **28 U.S.C. § 2201** for the purpose of determining a question of actual controversy between the parties as most fully appears in the Complaint.

120. Jurisdiction of this action is based on pursuant to 28 U.S.C. section 1331, 1343 (3)(4). The amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

121. The Plaintiff set forth allegations showing existence of actual, substantial, justiciable controversy whether , Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris alleges the taking of the natural BODY of Plaintiff in violation of the Fifth Amendment, due-process violation of the Constitution of the United States without a GRAND-JURY-INDICTMENT in the State of Michigan 47<sup>th</sup> Judicial Circuit Court.

122. Specifically, this action challenges Defendants' denial of Plaintiffs' rights secured under the First, and Fourteenth Amendment to the Constitution of the United States (Art. 1, U.S. Constitution, Art. XIV, U.S. Constitution), and **42 U.S.C.A. § 1983**, and Defendants tortuous negligence, negligent supervision and training, intentional infliction of emotional distress, and negligent, infliction of emotional distress under State of Michigan Statute of enforcing the policy of the State of Michigan under the statutes of the State of Michigan Criminal Proceedings action.

123. Plaintiff alleges that each of the Defendants performed, participated in, aided and/or abetted in some manner the acts averred in this action, proximately caused and continue to cause the damages, and are liable to Plaintiff for the damages and other relief sought in this action.

124. Based upon information and belief, Plaintiffs' alleges that Defendants' officers, agents and/or employees was responsible for the training and supervision.

125. That Plaintiff is in actual threat of enforce this regulation under the Statutes of the State of Michigan in the 47<sup>th</sup> Judicial Circuit Court that are in controversy with that of the several States of the Union of the 48 States of the United States particularly the First, Fifth and Fourteenth Amendment of the Constitution of the United States.

126. The promulgation and actual threatened enforcement of the policy of the State of Michigan statute for foreclosure action in the Court of the State of Michigan of which is a violation of the due-process of the 5<sup>th</sup> Amendment and the 14<sup>th</sup> Amendment of the Constitution of the United States of America and the federal law under the Constitution and Laws of the United States.

127. The promulgation of the State of Michigan statute of the policy of the State of Michigan is illegal as an actual threat have caused and will cause Plaintiffs' unusual hardship and irreparable injury as a taking of private property in violation of the laws and the Constitution of the United States particularly the fifth and fourteenth Amendment.

128. The Plaintiff is without a remedy at law in the Courts of the State of Michigan because the State of Michigan in the 47<sup>th</sup> Judicial Circuit Court. The United States District Court for the Eastern District of Michigan Southern Division has jurisdiction.

WHEREAS, this is the case, Plaintiffs' challenge the authority of the State of Michigan to enforce the statutes of the State of Michigan that are in conflict with well established law regarding federal law and is under "collateral-attack" of the Felony conviction remaining on the Michigan Criminal History report - - - The Court records of the Delta 47<sup>th</sup> Judicial Circuit Court will reflect the following - - - The State Defendant served in jail the time imposed by the Court - - - The State Defendant paid "ALL" fines and cost - - - The State Defendant was released for Probation after completion of his Probation.

129. In view of Defendants actual and threatened enforcement of the regulation of The State of Michigan contention that the issuance of the regulation and its enforcement are void, there is an actual controversy within this jurisdiction of the Plaintiffs' rights. Declaratory and injunctive relief will effectively adjudicate the rights of Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris moves for pending action for Declaratory and Injunctive relief.

130. Declare any further action by the Defendants in the 47<sup>th</sup> Judicial Circuit Court by its officers, agents and/or employees are in actual controversy of the laws of the United States, to be void, illegal, and in deprivation of the rights, privileges and immunities of the Plaintiffs' as argued in this civil complaint to federal law and the Rights, Privileges and Immunities under federal law is superior to the Statutes of the State of Michigan.

131. Plaintiff presents to this court a cause in equity for equitable relief and says to this honorable court and honorable Article III judge — *A case in law or equity consists of the right of the one party as well as of the other, and may truly be said to arise under the Constitution or a law of the United States whenever its correct decision depends upon the construction of plaintiff complaint to invoke the jurisdiction of this court.*

*In Tennessee v. Davis, supra, the Court said:*

“What constitutes a case, thus arising was early defined in the case cited from *6 Wheat. [Cohen v. Virginia]*. It is not merely where a party comes into court to demand something conferred upon him by the Constitution or by a law or treaty. A case consists of the right of one party as well as the other, and may truly be said to arise under the Constitution or a law or a treaty of the United States whenever its correct decision depends upon the construction of either. cases arising under the laws of the United States are such as grow out of the legislation of Congress, whether they constitute the right or privilege or claim, the protection or defense of the party, in whole or in part, by whom they are asserted.” *Story, Const. sec. 1647. It was said in Osborn v. Bank (9 Wheat. 738).*

The government for the United States have a Duty and Obligation to protect the “Citizens” living in sovereign Michigan state, under the Treaty of Ghent of 1814, and the Treaty with the Ottawa and Chippewa Nation of 1836. United States of America vs. STATE OF MICHIGAN et., al., 471 Fed. Supp. 192 (1979). The STATE OF MICHIGAN as a Foreign State has no authority in areas governed by the treaty. U.S.C.A. Const. Article I, § 8, Clause 3.

See *In re Neagle*, 135 U.S. 1, 69

“It is the duty and the right not only of every peace officer of the United States, but of every citizen, to assist in prosecuting, and in securing the punishment of, any breach of the peace of the United States. It is the right, as well as the duty, of every citizen, when called upon by the proper officer, to act as part of the *posse comitatus* in upholding the laws of his country. It is likewise his right and his duty to communicate to the executive officers any information which he has of the commission of an offense against those laws, and such information, given by a private citizen, is a privileged and confidential [158 U.S. 536] communication for which no action of libel or slander will lie, and the disclosure of which cannot be compelled without the assent of the government.

**Vogel v. Gruaz, 110 U.S. 311; United States v. Moses, 4 Wash. C.C. 726; Worthington v. Scribner, 109 Mass. 487.”**

“The right of a citizen informing of a violation of law, like the right of a prisoner in custody upon a charge of such violation, to be protected against lawless violence, does not depend upon any of the amendments to the Constitution, but arises out of the creation and establishment by the Constitution itself of a national government, paramount and supreme within its sphere of action. **United States v. Logan, 144 U.S. 294.** Both are, within the concise definition of the Chief Justice in an earlier case, privileges and immunities arising out of the nature and essential character of the national government, and granted or secured by the Constitution of the United States.”

**The word “citizen” within meaning of 18 U.S.C. § 241 despite fact he was convicted felon. See United States v. King, 587 Fed. 209 (1979).**

**SEE — In re Kemmler, 136 U.S. 436, 448.**

“The right of the private citizen who assists in putting in motion the course of justice, and the right of the officers concerned in the administration of justice, stand upon the same ground, just as do the rights of citizens voting and of officers elected, of which Mr. Justice Miller, speaking for this Court in *Ex Parte Yarbrough*, above cited, said:”

“The power in either case arises out of the circumstance that the function in which the party is engaged, or the right which he is about to exercise, is dependent on the laws of the United States. In both cases, it is the duty of that government to see that he may exercise this right freely, and to protect him from violence while so doing or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself that its service shall be free from the adverse influence of force and fraud practiced on its agents and that the votes by which its members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

**THEREFORE - - - CONSTRUCTIVE - - - NOTICE IS GIVE.**

**NOTE -ADVISORY SEE - - - United States v. A & P Trucking Co., 358 U.S. 121 (1958), is a comparable case, involving two criminal statutes applying to truckers, one of which expressly applied to partnerships and the other of which imposed criminal liability on “whoever” knowingly**

violated ICC regulations on transporting dangerous articles. The court again - - - *Ibid.* This is because "[n]atural persons can be imprisoned for perjury, but artificial entities can only be fined," ante at 205, and because the possibility of prosecuting the entity's perjurious agent is only a "second-best" solution," ante at 206, n. 7. SEE - - - Dictionary Act, 1 U.S.C. § 1 the court at Rowland v. California Men's Colony, Unit II, Men's Advisory Council, 506 U.S. 194 (1993).

NOTE - - - An attorney is a Citizen and is subject to the Criminal Laws of the United States as a Citizen.

## **NOTICE AND ADVISORY OF YOUR FIFTH AMENDMENT RIGHTS**

You as a Citizen have the RIGHT to remain silent, you have the RIGHT to an attorney any information may be used against you in a court of law.

**NOTE AN ATTORNEY IS A CITIZEN** - - - An attorney is a citizen and [? Objection of justice] see *Gentile v. State Bar of Nevada*, No. 89-1836, Argued April 15, 1991, Decided June 27, 1991, 501 U.S. 1030, CERTIORARI TO THE SUPREME COURT OF NEVADA. *The court - - - The State Supreme Court affirmed, rejecting his contention that the Rule violated his right to free speech. Held: The judgment is reversed. 106 Nev. 60, 787 P.2d 386, reversed.*

**WHEREFORE**, Plaintiff request that:

The court enter declaratory judgment that , Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris is not subject to the State of Michigan statutes, *collateral-attack* in the State of Michigan tribunal and; this is an actual case in controversy to invoke the jurisdiction of the district court of the united states, original jurisdiction of the court pursuant *28 U.S.C. § 1331* and; relief pursuant to *42 U.S.C. § 1983*.

**WHEREFORE**, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris Plaintiff respectfully relies pursuant to *42 U.S.C. § 1983* and the laws of the United States particularly the alleged violation of the Fourth, Fifth, Eighth, Ninth, Tenth and Fourteenth Amendment to the Constitution of the United States.

**WHEREFORE**, notice is given that I, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, has assigned joint claim of action to Douglas Dwight Bennett pursuant to MCL 570.23 --- *Assignment or waiver* --- **Section 25.** (which is silent at this time) --- "All liens or claims which may arise or accrue under the terms

of this act shall be assignable, and proceedings to enforce such liens may be maintained by and in the name of the assignees, who shall have as full and ample power to enforce the same as if such proceedings were taken under the provisions of this act by and in the name of the lien claimant [claimants] themselves. No lien provided for in this act shall be defeated or waived by the taking by the lien claimant, from any person, or any security for such debt — in the absence of express agreement that the taking of such security shall be a waiver of the lien.” — ***A Lien is defined as — Lien.*** A claim, encumbrance, or charge on property for payment of some debt, obligation or duty. ***Sullins v. Sullins, 65 Wash 2d 283, 396 P. 2d 886, 888.*** Qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or for performance of some act. Right or claim against some interest in property created by the law as an incident of contract. Right to enforce charge upon property of another for payment or satisfaction of debt or claim (in this matter the federal law suit in this U.S. Court, ***is the core of this action*** in actual controversy in violation of the laws and the Constitution of the United States as the law suit appears and is pleaded on its face and the liability of the named Defendants to Plaintiff, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris ). ***Vaughan v. John Hancock Mut. Life Ins. Co., Tex. Civ. App. 61 S.W. 2d 189, 190.*** Right to retain property for payment of debt or demand. ***Bell v. Dennis, 43 N.M. 350, 93 P.2d 1003, 1006.*** Security for a debt, duty or other obligation. ***Hurley v. Boston R. Holding Co., 315 Mass. 591, 54 N.E. 2d 183, 193.*** The that binds property to a debt or claim for its satisfaction. ***United States v. 1564,75875 Wine Gallons, More or less, of Spirituous Liquors, D. C. No. 60., 60 F. Supp. 389, 392.*** Liens are ‘property rights’; ***First*** Mr Bennett’s involvement in the matter of James Nichols and Terry Nichols and; ***Second*** Mr. Bennett has filed complaints with the United States Marshals and the United States attorney in the office of the United States Attorney(s) for the Eastern District of Michigan that are ***private and conventional*** until they are filed in the United States District Court for the District of Columbia because the United States attorney(s) failed to investigate the complains as a matter of public record and/or ***legal judicial proceeding in the appellant courts of the state of Michigan.***

The Plaintiff’s request this relief pursuant Article IV, § 2, clause 1 Privileges and immunities of citizens, The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens

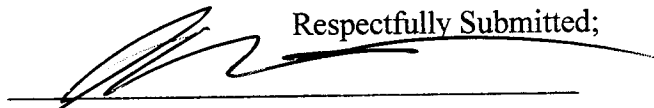


in the several States to the enforcement of the policies of the states of The State of Michigan and to this collateral- attack of the Conviction In The State of Michigan 47<sup>th</sup> Judicial Circuit Court; AND of the INACTIONS to timely remove the Felony Conviction in the Michigan Criminal History Report.

**WHEREFORE, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT** natural Citizen in and of the United States In Propria persona, Sui Juris Award Plaintiffs such relief as requested in *Counts I through VIII* and further relief as to the court may seem just and necessary, and issue all orders necessary to implement the relief ordered by the court.

Date: 9-9-13

Respectfully Submitted;

  
Jean Michael Pilot  
c/o 28730 Victor, Street  
Roseville, Michigan 48066  
In Propria Persona, in ones own proper person  
Petitioner by "**Special Visitation, Special Appearance**"  
All Rights Reserved U.C.C. I-207 (308)  
**In Propria persona, Sui Juris**  
(586) 322-7924- - Plaintiff

**PLAINTIFF RELIANCE ON TRIAL BY THE JURY SEVENTH  
AMENDMENT TO THE CONSTITUTION OF THE UNITED  
STATES UNDER THE COMMON-LAW FEDERAL RULES OF  
CIVIL PROCEDURE RULE 38 RULES FOR TRAIL BY THE  
JURY**

NOW COMES the Plaintiffs, Jean Michael Pilot, A/K/A/ JEAN MICHAEL PILOT natural Citizen in and of the United States In Propria persona, Sui Juris hereby relies upon the trial by the jury Demand pursuant the Seventh Amendment of the Constitution of the United States of America as an actual case in actual controversy at law and move for relies under the laws and the Constitution of the United States as a matter of right.

Date: 9-9-15

  
Jean Michael Pilot

c/o 28730 Victor, Street  
Roseville, Michigan 48066  
In Propria Persona, in ones own proper person  
Petitioner by "**Special Visitation, Special Appearance**"  
All Rights Reserved U.C.C. I-207 (308)  
**In Propria persona, Sui Juris**  
(586) 322-7924- - - Plaintiff

## RELIANCE DEFENSE

NOTICE is given that the named Defendants - - - RICK SNYDER/ a.k.a. Rick Snyder is being sued personally in his official capacity as GOVERNOR OF THE STATE OF MICHIGAN/ Michigan state in the sovereign United States in the Territory of the United States, Defendant, Bill Schutte a.k.a, BILL SCHUTTE, is being sued personally in his official capacity as Attorney General for Michigan state, THE STATE OF MICHIGAN

This Civil Case of action is take in view of Citing - -- *Hafer v. Melo*, 502 U.S. 21(1991). However as the Statute clearly established the fact that Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subject to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured. . . .

A. The Court held that interpreting the words "[e]very person" to exclude the States accorded with the most natural reading of the law, with its legislative history, and with the rule that Congress must clearly state its intention to alter "the federal balance" when it seeks to do so. Will, *supra*, at 65 (quoting *United States v. Bass*, 404 U.S. 336, 349 (1971)). Citing - -- ***Hafer v. Melo*, 502 U.S. 21(1991)**. However as the Statute clearly established the fact that Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subject to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured. . . .

B. The Court in *Hafer v. Melo* went on to say that - - - individuals may be sued personally - - - Citing in the matter of *In Kentucky v. Graham*, 473 U.S. 159 (1985), "the Court

sought to eliminate lingering confusion about the distinction between personal- and official-capacity suits. We emphasized that official-capacity suits "generally represent only another way of pleading an action against an entity of which an officer is an agent." *Id.* at 165 (quoting *Monell v. New York City Dept. of Social Servs.*, 436 U.S. 658, 690, n. 55 (1978)). A suit against a state official in her official capacity therefore should be treated as a suit against the State. 473 U.S. at 166. Indeed, when an official sued in this capacity in federal court dies or leaves office, her successor automatically assumes her role in the litigation. See Fed. Rule Civ. Proc. 25(d)(1); Fed. Rule App. Proc. 43(c)(1); this Court's Rule 35.3. Because the real party in interest in an official-capacity suit is the governmental entity, and not the named official, "the entity's 'policy or custom' must have played a part in the violation of federal law." *Graham, supra*, at 166 (quoting *Monell, supra*, 436 U.S. at 694). For the same reason, the only immunities available to the defendant in an official-capacity action are those that the governmental entity possesses. 473 U.S. at 167."

C. "Personal-capacity suits, on the other hand, seek to impose individual liability upon a government officer for actions taken under color of state law. Thus, [o]n the merits, to establish personal liability in a § 1983 action, it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right."

D. "*Id.* at 166. While the plaintiff in a personal-capacity suit need not establish a connection to governmental 'policy or custom,' officials sued in their personal capacities, unlike those sued in their official capacities, may assert personal immunity defenses such as objectively reasonable reliance on existing law." *Id.* at 166-167.

E. "Our decision in *Will v. Michigan Dept. of State Police*, 491 U.S. 58 (1989), turned in part on these differences between [502 U.S. 26] personal- and official-capacity actions. The principal issue in *Will* was whether States are 'persons' subject to suit under § 1983. Section 1983 provides, in relevant part:"

F. The Court again - - - "Through § 1983, Congress sought to give a remedy to parties deprived of constitutional rights, privileges and immunities by an official's abuse of his position.

G. The Court in *Hafer v. Melo* went on to say that - - - individuals may be sued personally - - - Citing in the matter of *In Kentucky v. Graham*, 473 U.S. 159 (1985), "the Court

sought to eliminate lingering confusion about the distinction between personal- and official-capacity suits. Also see - - - Osborn v. Haley, 549 U.S. 225 (2007) and the United States as a part.

Citizen, Plaintiff, Jean Michael Pilot reserves the right to correct errors in this Civil Cause of action to petition the Federal Bureau of Investigation, the United States Attorney for the Eastern District of Michigan and resubmit his cause of action with out reprisals - - Under the terms and condition of Title 42 U.S. C. § 1997 c, (b) (i) (ii) (iii) and (E) the above mentioned Federal government agencies have 60 (sixty) days to investigate this alleged violation of the Federal Statutes and Laws of the United States; AND - - - To constitute a case arising under the Constitution or laws of the United States within the meaning of the removal statute, Jud. Code, § 28, 28 U.S.C. 71, a right or immunity created by the Constitution or laws of the United States must be an essential element of the plaintiff's cause of action; the right or immunity must be such that it will be supported if the Constitution or laws of the United States are given one construction or effect, and defeated if they receive another; a genuine and present controversy, not merely a possible or conjectural one, must exist with [299 U.S. 110] reference thereto, and the controversy must be disclosed upon the face of the complaint, unaided by the answer, by the petition for removal, or by allegations in the complaint itself which go beyond a statement of the plaintiff's cause of action and anticipate or reply to a probable defense. Citing - - - Gully v. First National Bank, No. 29, Argued October 19, 1936, Decided November 9, 1936, 299 U.S. 109, CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT - - - Also See - - - 28 U.S.C. § 1343(3), applied to deprivations of rights secured by "the Constitution of the United States, or of any right secured by any law providing for equal rights." On the other hand, the remedial provision, the predecessor of § 1983, was expanded to apply to deprivations of rights secured by "the Constitution and laws," and § 563(12), the provision granting jurisdiction to the district courts, to deprivations of rights secured by "the Constitution of the United States, or of any right secured by any law of the United States." Citing - - - Maine v. Thiboutot, No. 79-838, Argued April 22, 1980, Decided June 25, 1980, 448 U.S. 1 CERTIORARI TO THE SUPREME JUDICIAL COURT OF MAINE.

A. The sovereign citizen cannot be defined as a statutory "person," lumped together in a statute with corporations or other fictitious entities. "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated

to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.” [*Yick Wo V. Hopkins*, 118 U.S. 356,370 (1886)]. “The individual Citizen may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open her doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as she does not trespass upon their rights. Upon the other hand, the corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law and the United States Constitution. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation.” [*Hale v. Henkel*, 201 U.S. 43,75 (1906)].

A. AND that - - - “The first duties of the officers of the law are to prevent, not to punish, crime. It is not their duty to incite to and create crime for the sole purpose of prosecuting and punishing it. that their first and chief endeavor was to cause, to create, crime in order to punish it, and it is unconscionable, contrary to public policy, and to the established law of the land to punish a man for the commission of an offense of the like of which he had never been guilty, either in thought or in deed, and evidently never would have been guilty of if the officers of the law had not inspired, incited, persuaded, and lured him to attempt to commit,”. “But decoys are not permissible to ensnare the innocent and law-abiding into the commission of crime. When the criminal design originates not with the accused, but is conceived in the mind of the government officers, and the accused is by persuasion, deceitful representation, or inducement lured into the commission of a criminal act, the government is estopped by sound public policy from prosecution therefor.” Citing Sorrells vs. United States 287 U.S. 435 (1932).

**EXHIBIT - A -**



### More Criteria:

**Important: Information Contained in this Record**

THE RECORD RESULTS PROVIDED HERE ARE BASED ON A COMPUTER MATCH AS EXPLAINED ON THE ICHAT HOME PAGE. THE ICHAT SYSTEM HAS LIMITATIONS THAT MAY CAUSE FALSE POSITIVES OR FALSE NEGATIVES. PLEASE REVIEW THE RESULTS CAREFULLY AND DO NOT TAKE ADVERSE ACTION BASED SOLELY ON THIS RECORD. IF YOU CANNOT DETERMINE THAT THESE RESULTS DO NOT BELONG TO THIS INDIVIDUAL, AND THE INDIVIDUAL IS DISPUTING THE RECORD, PLEASE PROVIDE THAT INDIVIDUAL WITH A COPY OF THIS REPORT AND OFFER THAT INDIVIDUAL THE OPPORTUNITY TO PERFORM A RECORD CHALLENGE BY SUBMITTING FINGERPRINTS. THIS IS EXPLAINED AT THE BOTTOM OF THIS PAGE. SINCE ARRESTS, CONVICTIONS, OR CRIMINAL RECORD SCREENINGS MAY OCCUR AT ANY TIME, DO NOT USE THIS INFORMATION FOR FUTURE CLEARANCES.

~~THIS IS A CRIMINAL HISTORY RECORD INFORMATION BEING DISSEMINATED TO YOU  
FOR YOUR PROTECTION IS BY 06/24/2014~~

SEP: 23925376

**Abstract**

DOB: 05/23/1986

1000

567-158

10

**CHINA**

**POST: 11**

2000

**Q** *What is the best way to get a good night's sleep?*

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]



**The steps for correcting a mistaken or inaccurate record are as follows:**

- If the individual believes that the record does not belong to him or her, the individual should go to the nearest law enforcement agency and request to be fingerprinted on a state applicant fingerprint card for the purposes of "Record Challenge"; call ahead to verify fees and/or service hours. There is no charge for such fingerprinting if it is done at a Michigan State Police post.
- This card should be mailed to the Criminal Justice Information Center with a copy of this record and a letter requesting the Criminal Justice Information Center to verify that the enclosed criminal record does not belong to him/her. There is no fee. The address is:

## 2. Inaccurate Records

- Sometimes records inadvertently contain errors. For example, the nature or date of the conviction might be wrong, or the record might contain a conviction that should have been removed from the record.
- In such cases the individual should obtain certified copies of the court judgment or other documents which show that the information contained on the criminal record is incorrect. If the proof provided is satisfactory, the Michigan State Police will modify the record accordingly. You may send the documents to:

**Michigan State Police -- CHC**  
**Attn: Criminal History Record Correction**  
**P. O. Box 30634**  
**Lansing, MI 48909**

# **EXHIBIT - B -**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL CHARLES PILOT,

Petitioner,

CASE NO. 15-10962

v.

RICK SNYDER and  
BILL SCHUTTE,

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Respondents.

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**OPINION AND ORDER**  
**DENYING PETITIONER'S MOTION TO SHOW CAUSE (Dkt. #2),**  
**SUMMARILY DISMISSING THE HABEAS CORPUS PETITION (Dkt. #1),**  
**DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY, AND**  
**DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

**I. Introduction**

This matter has come before the Court on a *pro se* application for the writ of habeas corpus under 28 U.S.C. §§ 2241 and 2254. Petitioner Michael Charles Pilot lists his residence as Roseville, Michigan.

The petition and exhibits indicate that, in 2004, Petitioner was charged in Delta County, Michigan with first-degree home invasion, Mich. Comp. Laws § 750.110a(2), two counts of larceny in a building, Mich. Comp. Laws § 750.360, and one count of breaking and entering a building with intent to commit a felony or larceny, Mich. Comp. Laws § 750.110. On May 18, 2004, Petitioner waived his right to trial and pleaded guilty to breaking and entering a building. In return, the prosecutor dismissed the other charges

against Petitioner. On July 19, 2004, Petitioner was sentenced to jail for six months and forty-five days and placed on probation for twelve months. Petitioner successfully completed the conditions of probation and, on June 8, 2005, the trial court discharged Petitioner from probation.

On February 23, 2015, Petitioner signed and dated his habeas corpus petition, and on March 13, 2015, the Clerk of the Court received and filed the petition. Petitioner alleges in his petition “that he is being held in violation of his ‘rights, privileges, and immunities of the Constitution and Laws of the United States and Treaty Law of the United States . . . .” Pet., page 23. He seeks to have the State of Michigan show cause why he should not be released. Pet., page 49. In a separate motion and brief filed on April 17, 2015, Petitioner seeks to have the Court show cause why it has not yet issued the writ of habeas corpus. Mot., page 12.

## II. Legal Standard

Upon receipt of a habeas corpus petition, a federal court must “promptly examine [the] petition to determine ‘if it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief.’ ” *Crump v. Lafler*, 657 F.3d 393, 396 n.2 (6th Cir. 2011) (quoting Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts). “Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face . . . .” *McFarland v. Scott*, 512 U.S. 849, 856 (1994); *see also Martin v. Overton*, 391 F.3d 710, 714 (6th Cir. 2004) (stating that Rule 4 allows the summary dismissal of a petition if it



plainly appears that the petitioner is not entitled to relief).

### III. Analysis

#### A. Exhaustion of State Remedies

Petitioner's habeas petition is legally insufficient for several reasons. First, Petitioner has not alleged or otherwise demonstrated that he exhausted state remedies for his allegation that he is being held in violation of his constitutional rights. "[A] state prisoner seeking federal habeas relief must first 'exhaus[t] the remedies available in the courts of the State,' 28 U.S.C. § 2254(b)(1)(A), thereby affording those courts 'the first opportunity to address and correct alleged violations of [the] prisoner's federal rights.' "

*Walker v. Martin*, 562 U.S. 307, \_\_\_, 131 S. Ct. 1120, 1127 (2011) (quoting *Coleman v. Thompson*, 501 U.S. 722, 731 (1991)).

Petitioner acknowledges the exhaustion requirement, but alleges that he is not required to exhaust his state remedies. Pet., page 6. Petitioner "bears the burden of showing that state court remedies have been exhausted," *Nali v. Phillips*, 681 F.3d 837, 852 (6th Cir. 2012), and even though there are exceptions to the exhaustion requirement, *id.* at 851 n.2,<sup>1</sup> he has not alleged that either exception applies here. Nor has Petitioner explained why he thinks he is not required to exhaust state remedies. Thus, his petition is subject to dismissal for failure to exhaust state remedies. It further appears that the

---

<sup>1</sup> One exception exists when "there is an absence of available State corrective process." 28 U.S.C. § 2254(b)(1)(B)(i). The other exception applies when "circumstances exist that render such process ineffective to protect the rights of the applicant." 28 U.S.C. § 2254(b)(1)(B)(ii).

petition may be barred by the one-year statute of limitations found in 28 U.S.C. § 2244(d), although the statute of limitations “is an affirmative defense that the state may waive by failing to raise it in the first responsive pleading to a petition for a writ of habeas corpus.” *Harwell v. Million*, 77 F. App’x 296, 298 (6th Cir. 2003).

### B. Conclusory Allegations

Another reason why the habeas petition is subject to dismissal is that Petitioner has not explained how his constitutional rights were violated or why he believes that he is being unlawfully detained. His lengthy petition touches on many issues, and although he appears to assert claims about trial counsel and defects in the felony complaint, *see* Pet., pages 25-26, the Court is not obligated “to distill and develop” Petitioner’s arguments for him. *Holland v. Dep’t of Health and Human Servs.*, \_\_\_ F. Supp. 3d \_\_\_, \_\_\_, No. 1:13-CV-609-TWT, 2014 WL 4925680, at \*12 (N.D. Ga. Sept. 30, 2014).

The Court recognizes that “[t]he pleadings of pro se petitioners are held to less stringent standards than those prepared by attorneys” and must be “liberally construed.” *Martin v. Overton*, 391 F.3d at 712. Nevertheless, a pleading must contain “a short and plain statement of the claim showing that the pleader is entitled to relief,” Fed. R. Civ. P. 8(a)(2), and a *pro se* litigant “is not relieved from presenting a colorable claim.” *United States v. McKinney*, 375 F. App’x 479, 481 (6th Cir. 2010). Petitioner has failed to meet these basic pleading requirements.

### C. The “In Custody” and “Case or Controversy” Requirements

The habeas petition is legally insufficient for two additional reasons: Petitioner does not appear to be in custody for the conviction under attack, and he has not alleged a collateral consequence of the conviction.

#### 1. The “In Custody” Requirement

A federal district court may entertain an application for the writ of habeas corpus only if the prisoner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §§ 2241(c)(3) and 2254(a). The Supreme Court has interpreted this language to mean “that the habeas petitioner [must] be ‘in custody’ under the conviction or sentence under attack at the time his petition is filed.” *Maleng v. Cook*, 490 U.S. 488, 490-91 (1989) (citing *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968)). The Supreme Court has never held “that a habeas petitioner may be ‘in custody’ under a conviction when the sentence imposed for that conviction has *fully expired* at the time his petition is filed.” *Id.* at 491 (emphasis in original). And even though the Supreme Court has “very liberally construed the ‘in custody’ requirement for purposes of federal habeas, [it has] never extended it to the situation where a habeas petitioner suffers no present restraint from a conviction.” *Id.* at 492. “[O]nce the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual ‘in custody’ for the purposes of a habeas attack upon it.” *Id.*; see also *Pola v. United States*, 778 F.3d 525, 529-30 (6th Cir. 2015) (explaining that a petitioner who has served his sentence can satisfy the in-custody requirement of 28

U.S.C. § 2255, but only if he filed his motion while still incarcerated).

Exhibits to the complaint indicate that Petitioner's jail sentence of six months and forty-five days commenced on July 19, 2004, and that he was discharged from his twelve-month term of probation on June 8, 2005. Thus, he was not "in custody" for the breaking-and-entering conviction under attack when he filed his habeas petition in March of this year.

## 2. The Case-or-Controversy Requirement

Under Article II, § 2 of the United States Constitution, the Court's judicial power extends, among other things, to cases arising under the Constitution and controversies between a state and its citizens.

An incarcerated convict's (or a parolee's) challenge to the validity of his conviction always satisfies the case-or-controversy requirement, because the incarceration (or the restriction imposed by the terms of the parole) constitutes a concrete injury, caused by the conviction and redressable by invalidation of the conviction. Once the convict's sentence has expired, however, some concrete and continuing injury other than the now-ended incarceration or parole—some "collateral consequence" of the conviction—must exist if the suit is to be maintained.

*Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

Courts ordinarily presume that a petitioner experiences collateral consequences from a conviction. *See id.* at 8 (stating, "[i]n recent decades, we have been willing to presume that a wrongful criminal conviction has continuing collateral consequences"); *accord Pola*, 778 F.3d at 530 (presuming that a defendant who filed a motion to vacate sentence while still incarcerated, but subsequently served his full term of imprisonment,

satisfied the case-or-controversy requirement because he challenged the constitutionality of his criminal conviction, and, therefore, continued to suffer the burdens of that conviction); *United States v. Ashraf*, 628 F.3d 813, 821 (6th Cir. 2011) (stating that “a defendant is presumed to suffer collateral consequences from a conviction even after the sentence has expired”). Nevertheless, a petitioner must show at least “the possibility of tangible collateral consequences for the burden to shift to the state to show that the consequences are not in fact possible.” *Gall v. Scroggy*, 603 F.3d 346, 354 (6th Cir. 2010).

Petitioner has not alleged that a tangible collateral consequences resulted from his breaking-and-entering conviction. “Therefore, to the extent that [h]e was required to make a minimal showing of possible collateral consequences of h[is] unconstitutional criminal conviction,” he has not done so. *Gentry v. Deuth*, 456 F.3d 687, 695 (6th Cir. 2006). As such, he has failed to satisfy the Constitution’s case-or-controversy requirement, and his challenge to the conviction under attack is moot.

#### IV. Conclusion

For the reasons given above, it plainly appears that Petitioner is not entitled to relief. Accordingly,

**IT IS ORDERED** that the petition for writ of habeas corpus (Dkt. #1) is summarily **DISMISSED** under Rule 4 of the Rules Governing Section 2254 Cases.

**IT IS FURTHER ORDERED** that Petitioner’s motion to show cause why the Court has not issued the writ (Dkt. #2) is **DENIED** as moot.

### V. Regarding a Certificate of Appealability

Before Petitioner may appeal this Court's decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22(b)(1). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003) (citing Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Reasonable jurists would not debate the Court's assessment of Petitioner's pleading, nor conclude that Petitioner deserves encouragement to proceed further. Accordingly,

**IT IS ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that Petitioner may not proceed *in forma pauperis* on appeal if he chooses to appeal this decision, because an appeal could not be taken in good faith. 28 U.S.C. § 1915(a)(3).

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2015



### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 22, 2015.

s/Deborah Tofil

Case Manager

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL CHARLES PILOT,

Petitioner,

CASE NO. 15-10962

v.

RICK SNYDER and  
BILL SCHUTTE,

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Respondents.

JUDGMENT

This matter came before the Court on a habeas corpus petition under 28 U.S.C. §§ 2241 and 2254. For the reasons given in an opinion and order issued today,

**IT IS ORDERED** that the habeas petition is summarily **DISMISSED** pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States Courts and a Certificate of Appealability and leave to proceed *in forma pauperis* on appeal are **DENIED**.

DAVID J. WEAVER  
COURT ADMINISTRATOR

By: D. Tofil  
Deputy Clerk

APPROVED:

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

JP

### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing judgment was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 22, 2015.

s/Deborah Tofil  
Case Manager

14 (Rev. 12/87)

**CIVIL COVER SHEET** County in which action arose \_\_\_\_\_

344 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided in the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**1) PLAINTIFFS**

Jean Michael Pilot A/K/A/  
Governor JEAN MICHAEL PILOT, Citizen

**1) County of Residence of First Listed Plaintiff**

(EXCEPT IN U.S. PLAINTIFF CASES)

Jean Michael Pilot,  
c/o 28730 Victor Street, Roseville, Michigan 48066

**2) Attorney's (Firm Name, Address, and Telephone Number)** (586) 322-7024

Jean Michael Pilot  
c/o 28730 Victor Street, Roseville, Michigan 48066 (586) 322-7024

**DEFENDANTS**

RICK SNYDER A/K/A Rick Snyder personally and BILL  
SCHUTTE A/K/A Bill Schutte personally

County of Residence of First Listed Defendant \_\_\_\_\_

Case: 4:15-cv-13191

Judge: Berg, Terrence G.

MJ: Whalen, R. Steven

Filed: 09-09-2015 At 03:07 PM

CMP. PILOT v. SYNDER ET AL. (SO)

**BASIS OF JURISDICTION** (Place an "X" in One Box Only)U.S. Government  
Plaintiff☒ 3 Federal Question  
(U.S. Government Not a Party)U.S. Government  
Defendant☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

Plf DEF  
☐ 1 ☐ 1

Citizen of Another State

☐ 2 ☐ 2Citizen or Subject of a  
Foreign Country☐ 3 ☐ 3Incorporated or Principal Place  
of Business in This StateIncorporated and Principal Place  
of Business in Another State

Foreign Nation

Plf DEF  
☐ 4 ☐ 4☐ 5 ☐ 5☐ 6 ☐ 6**NATURE OF SUIT** (Place an "X" in One Box Only)

<input type="checkbox"/> Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> Recovery of Overpayment <input type="checkbox"/> & Enforcement of Judgment <input type="checkbox"/> Medicine Act <input type="checkbox"/> Recovery of Defunct <input type="checkbox"/> Student Loans <input type="checkbox"/> (Excl. Veterans) <input type="checkbox"/> Recovery of Overpayment <input type="checkbox"/> of Veterans's Benefits <input type="checkbox"/> Stockholders' Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> Contract Product Liability <input type="checkbox"/> Franchise <input type="checkbox"/> Land Controversies <input type="checkbox"/> Foreclosure <input type="checkbox"/> Real Estate & Ejectment <input type="checkbox"/> Torts to Land <input type="checkbox"/> Tort Product Liability <input type="checkbox"/> All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 319 Airplane <input type="checkbox"/> 315 Airplane Product <input type="checkbox"/> Liability <input type="checkbox"/> 320 Assault, Libel & <input type="checkbox"/> Slander <input type="checkbox"/> 330 Federal Employees' <input type="checkbox"/> Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> 360 Other Personal <input type="checkbox"/> Injury <input type="checkbox"/> 401 Voting <input type="checkbox"/> 402 Employment <input type="checkbox"/> 403 Housing/ <input type="checkbox"/> Accommodations <input type="checkbox"/> 404 Welfare <input type="checkbox"/> 405 Amer. w/Disabilities- <input type="checkbox"/> Employment <input type="checkbox"/> 406 Amer. w/Disabilities- <input type="checkbox"/> Other <input type="checkbox"/> 409 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - <input type="checkbox"/> Med. Malpractice <input type="checkbox"/> 365 Personal Injury - <input type="checkbox"/> Product Liability <input type="checkbox"/> 366 Activities Personal <input type="checkbox"/> Injury Product <input type="checkbox"/> Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Personal <input type="checkbox"/> 371 Torts in Land <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> Product Liability <input type="checkbox"/> 510 Mediators to Vacate <input type="checkbox"/> Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Minors & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Science <input type="checkbox"/> of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational <input type="checkbox"/> Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards <input type="checkbox"/> Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting <input type="checkbox"/> & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Legislation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act <input type="checkbox"/> 802 Immigration Applications <input type="checkbox"/> 803 Habeas Corpus - <input type="checkbox"/> Alien Detention <input type="checkbox"/> 805 Other Immigration <input type="checkbox"/> Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Writ/Remedial <input type="checkbox"/> 28 USC 137 <input type="checkbox"/> 820 Copyright <input type="checkbox"/> 820 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HRA (13000) <input type="checkbox"/> 862 Hatch Law (929) <input type="checkbox"/> 863 DEWCEW (90542) <input type="checkbox"/> 864 SED Title XVI <input type="checkbox"/> 865 ESI (90542) <input type="checkbox"/> 870 Trade (U.S. Market <input type="checkbox"/> or Defendant) <input type="checkbox"/> 871 ESI - Third Party <input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 400 State Representation <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Bank and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deposition <input type="checkbox"/> 470 Redemptive Influence and <input type="checkbox"/> Concept Organizations <input type="checkbox"/> 490 Consumer Credit <input type="checkbox"/> 490 Cable TV <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 520 Securities/Commodities/ <input type="checkbox"/> Exchange <input type="checkbox"/> 525 Consumer Challenge <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 530 Other Statutory Actions <input type="checkbox"/> 531 Agricultural Acts <input type="checkbox"/> 532 Economic Stabilization Act <input type="checkbox"/> 533 Environmental Matters <input type="checkbox"/> 534 Energy Allocation Act <input type="checkbox"/> 535 Freedom of Information <input type="checkbox"/> Act <input type="checkbox"/> 536 Appeal of Fee Determination <input type="checkbox"/> Under Equal Access <input type="checkbox"/> to Justice <input type="checkbox"/> 538 Constitutionality of <input type="checkbox"/> State Statutes
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**ORIGIN**Original  
Proceeding

(Place an "X" in One Box Only)

☐ 2 Removed from  
State Court☐ 3 Remanded from  
Appellate Court☐ 4 Reinstated or  
Reopened☐ 5 Transferred from  
another district  
(specify)☐ 6 Multidistrict  
Litigation☐ 7 Appeal to District  
Judge from  
Magistrate  
Judgment**CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 42 U.S.C. section 1983

Brief description of cause:  
Civil Rights Violation, Redress**REQUESTED IN  
COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**RELATED CASE(S)  
IF ANY**

(See instructions):

JUDGE

Paul D. Barney

DOCKET NUMBER

15-10962

SIGNATURE OF ASSIGNMENT OF RECORD

OFFICE USE ONLY

EFT#

AMOUNT

APPLYING IF

JUDGE

MAG. JUDGE

## PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☐ No

Related Case

If yes, give the following information:

Court: U.S. District Court

Case No.: 13-10962

Judge: Paul D. Borman

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☐ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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## New Lawsuit Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input checked="" type="checkbox"/>	Two (2) completed <b>Civil Cover Sheets</b> .	Case: 4:15-cv-13191 Judge: Berg, Terrence G. MJ: Whalen, R. Steven Filed: 09-09-2015 At 03:07 PM CMP. PILOT v. SYNDER ET AL. (SO)
<input checked="" type="checkbox"/>	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank.  <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center; margin-right: 10px;"> <u>2</u>  <small># of Defendants</small> </div> <div style="margin: 0 10px;">+ 2 =</div> <div style="text-align: center; margin-right: 10px;"> <u>4</u>  <small>Total</small> </div> <div>Complaints.</div> </div> <div style="margin-top: 10px;">           Received by Clerk: <u>NA</u> Addresses are complete: <u>NO</u> </div>	

<input type="checkbox"/>	If any of your defendants are <b>government agencies</b> : Provide two (2) extra copies of the <b>complaint</b> for the U.S. Attorney and the Attorney General.
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If Paying The Filing Fee:	If Asking That The Filing Fee Be Waived:
<input checked="" type="checkbox"/> Current new civil action filing fee is attached.  Fees may be paid by check or money order made out to:  <p style="text-align: center;"><i>Clerk, U.S. District Court</i></p> Received by Clerk: <u>NA</u> Receipt #: <u>DET083500</u>	<input type="checkbox"/> Two (2) completed <b>Application to Proceed in District Court without Prepaying Fees or Costs</b> forms.   Received by Clerk: _____

**Select the Method of Service you will employ to notify your defendants:**

Service via Summons by Self	Service by U.S. Marshal (Only available if fee is waived)	Service via Waiver of Summons (U.S. Government cannot be a defendant)
<input checked="" type="checkbox"/> Two (2) completed <b>summons</b> for each defendant including each defendant's name and address.     Received by Clerk: <u>NA</u>	<input type="checkbox"/> Two (2) completed <b>USM – 285 Forms</b> per defendant, if you are requesting the U.S. Marshal conduct service of your complaint.  <input type="checkbox"/> Two (2) completed <b>Request for Service by U.S. Marshal</b> form.  Received by Clerk: _____	<input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk.  <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> <li>One (1) <b>Notice of a Lawsuit and Request to Waive Service of a Summons</b> form per defendant.</li> <li>Two (2) <b>Waiver of the Service of Summons</b> forms per defendant.</li> </ul> Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.

**Clerk's Office Use Only**

Note any deficiencies here: